



Missouri Task Force on Children's Justice

*Implementation Assessment of the
Dominic James Memorial
Foster Care Reform Act of 2004*

November 30, 2007

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REFORM ACT OF 2004

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The Missouri Task Force on Children's Justice was established under the Federal Child Abuse Prevention and Treatment Act (CAPTA). States receiving funding under CAPTA must maintain a statewide multidisciplinary task force to review compliance with the Act. The Missouri Task Force is comprised of members appointed by the director of the Department of Social Services in consultation with the chief justice of the Supreme Court of Missouri.

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- Appendix A. Map of Accreditation Progress.
 Appendix B. System Response Matrix.

Key to Acronyms

ACTS:	Alternative Care Tracking Systems
ASFA:	Federal Adoption & Safe Families Act
BSIU:	Background Screening Investigative Unit (for child abuse/neglect background checks)
CA/N:	Child abuse/neglect
CASA:	Court-appointed special advocate
CD:	Department of Social Services/Children's Division
CFSR:	Federal Child and Family Services Review
CHIP:	Children's Health Insurance Program
CMS:	Call Management System
COA:	Council on Accreditation
COA:	Council on Accreditation for Families and Children's Services
CQI:	Continuous Quality Improvement
DESE:	Department of Elementary & Secondary Education
DHHS:	U. S. Department of Health and Human Services
DMH:	Department of Mental Health
DOR:	Department of Revenue
DSS:	Department of Social Services
FACES:	Family and Children Electronic System
FCI:	Fostering Court Improvement
FSD:	Family Support Division of Department of Social Services
GAL:	Guardian ad litem
JCIP:	Juvenile Court Improvement Project
MCO:	Managed Care Organizations
MOHSIAC:	Missouri Health Strategic Architectures and Information Cooperative
MOJJIS:	Missouri Juvenile Justice Information System
OCA:	Office of Child Advocate
OHI:	Out-of-Home Investigation
OSCA:	Office of State Courts Administrator
PBC:	Performance-based contracts
PET:	Practice Enhancement Teams (at CD)
PIP:	Child and Family Services Program Improvement Plan
QA:	Quality Assurance
QIC PCW:	National Quality Improvement Center on the Privatization of Child Welfare Services
SACWIS:	Statewide Automated Child Welfare Information System
SDM:	Structured decision-making
SSW:	School of Social Work, University of Missouri-Columbia
TPR:	Termination of parental rights
VPA:	Voluntary Placement Agreement

Introduction

In the Fall of 2002, two-year-old Dominic James died while residing in a foster home in Willard, Missouri. In response to this event, a number of investigations and reviews of the child welfare system in the State were undertaken, including a report issued by the Supreme Court Commission on Children's Justice. Commission members reviewed the existing investigative reports; other reports and materials; and heard testimony on proposals for change. The Commission issued its Final Report in June 2003 and made recommendations in the following areas: prevention and efforts to prevent removal, hotline intake, foster and relative care/permanency, and judicial/court issues including time standards for child abuse and neglect (CA/N) court hearings. In response to the various reports and investigations, the Missouri State legislature enacted HB 1453, the Dominic James Memorial Foster Care Reform Act of 2004, which went into effect on August 28, 2004. The Act prompted significant changes in policy and practice for the Department of Social Services (DSS) and its Children's Division (CD), and mandated several changes in operating procedures for the court system. In March 2007, Governor Matt Blunt requested that the Missouri Task Force on Children's Justice (hereinafter referred to as the "Task Force") review the State's progress on implementation of the Act. A contractual team was hired to conduct data collection activities, review pertinent documents and policies, and draft the report. The findings and recommendations of the Task Force are not the final word on many issues. Due to time constraints, the Task Force members chose to focus on some, but not all, of the changes in the two systems at this particular point in time. Furthermore, as it is has been barely three years since the law's enactment, it is too soon to evaluate how the systems have evolved and the consequences of those changes. In some instances, there is insufficient data upon which the Task Force can base conclusions. However, through this process, the Task Force believes it has uncovered both successes in implementation of HB 1453, as well as areas for improvement.

This Introduction provides an overview of the context in which HB 1453 is being addressed administratively in the Department of Social Services/Children's Division and the Office of State Courts Administrator (OSCA). It is important to understand that changes occurring at these organizations are the composite result of multiple activities, sometimes operating on parallel tracks but intersecting on certain issues. In addition, due to these various initiatives, it becomes more difficult to ascribe changes directly to any one event, such as HB 1453. System change does not happen in a vacuum; parallel initiatives and existing practices are inevitably carried into new initiatives.

Children's Division (CD) Context

In August 2003, Governor Bob Holden issued an executive order reorganizing the Department of Social Services. The reorganization created a Children's Division by combining the Children's Services Section of the former Division of Family Services (DFS) with the Office of Early Childhood. The stated mission of the Children's Division is "to partner with families and communities to protect children from abuse and neglect and to assure safety, permanency and well being for Missouri's children." The initial response to the passage of HB 1453 by CD was to issue a detailed policy memorandum to all staff in August 2004. However, in addition to the mandates of HB 1453, CD participated in several other major initiatives during this time. First, CD participated in its first Federal Child and Family Services Review (CFSR) in December 2003, conducted by the U.S. Department of Health and Human Services (DHHS), Administration for Children and

Families. The CFSR assesses State performance with regards to seven child welfare outcomes for safety, permanency, and well-being, and seven systemic factors with respect to the State's capacity to achieve positive outcomes for children and families. The CFSR determined that the State was in substantial conformity with the factors of statewide information system; quality assurance system; training; agency responsiveness to the community; and foster and adoptive parent licensing, recruitment, and retention. The State did not achieve substantial conformity with the systemic factors of case review system or service array.

The Child and Family Services Program Improvement Plan (PIP), which went into effect in February 2005, addressed concerns raised by the March 2004 CFSR report. A supervisors work group to develop a strategic plan, which in turn identified training needs, used the PIP. Several of the items in the PIP are also addressed in HB 1453, such as enhanced background checks and notification of foster parents.¹

CD is also participating in an evaluation being conducted by the National Quality Improvement Center on the Privatization of Child Welfare Services (QIC PCW), based at the University of Kentucky College of Social Work. This Federal project is funded by the Children's Bureau of the DHHS. Through a competitive application process, Missouri, Illinois, and a region in Florida were selected to be part of the cross-site evaluation for three years (January 2007-September 2010). The purpose of the Missouri project is to examine the processes necessary for maintaining public/private partnerships in support of performance-based contracting in the delivery of out-of-home services for children. Missouri is unique in establishing "mirror units" in Springfield and Kansas City, which perform child welfare case management duties in an environment similar to the private sector (i.e., pre-established base caseload size, rotation assignments, caseload caps, and supervisor-to-worker ratio). This provides a near experimental research design for comparing State-managed services with the performance-based contract services. Although this project is still in the early stages, CD staff participated in a presentation regarding how to build trust between private partners and the public partners at a national conference in September 2007. Planning and Learning Technologies, Inc. (Pal-Tech) is the evaluation contractor for the national project.

Moreover, CD is also in the process of developing a web-enabled SACWIS (Statewide Automated Child Welfare Information System), called FACES (Family and Children Electronic System). States with a SACWIS are eligible under Title IV-E of the Social Security Act to obtain 50% enhanced funding.² FACES is a single, integrated statewide information system that encompasses all aspects of child welfare management including case management, payments, resource development, etc. FACES replaces the 11 Legacy systems used since the early 1980s. Hotline protocols were implemented in FACES in 2005, investigation and family assessment in 2006, and CD is in the process of rolling in case management functions including family-centered services, alternative care, family reunion services, etc. The remaining functions will be implemented by the end of 2009. Private contractors will be required to enter their information into FACES. However, the system is not accessible by the court system at this time.

Finally, CD has been involved with accreditation through the Council on Accreditation for Families and Children's Services (COA). HB 1453 states that it is the intention of the General Assembly for

¹Information on the PIP is available at www.dss.mo.gov/cd, at the seventh checkmark titled, "Federal Child & Family Services Review (CFSR)."

²For more information, go to www.acf.hhs.gov/programs/cb/systems/sacwis/about.htm.

the Children's Division to become accredited by August 2009. Among other requirements, COA accreditation standards include standardized caseload sizes to allow workers adequate time to work with children and families. CD is organized within the State's 45 judicial circuits, and accreditation will be achieved circuit by circuit. As part of the accreditation process, CD required a Circuit Self-Assessment, completed in August 2004, which involved each circuit identifying its strengths and challenges in providing services to children and families. To date, fourteen circuits, the Central Office, and the Child Abuse and Neglect Hotline Unit (CA/NHU) have been accredited (see map of accreditation progress dated 10/18/07, Appendix A). Accreditation also requires the Division to develop a plan for continuous quality improvement. In response, the Quality Assurance (QA) Unit was formed in December 2004. The QA Unit uses the PIP to identify specific areas needing improvement, and works with regional and frontline staff through Practice Enhancement Teams (PET) to develop local action plans.³ A Quality Improvement Unit was established in June 2007 to further assist in accreditation efforts and to help circuits maintain standards once they become accredited.

In addition to the above external activities, there are numerous internal initiatives, such as the Continuous Quality Improvement (CQI) teams, quality assurance peer review process, consumer surveys, and staff surveys. Participation in these reviews and evaluations is likely to raise the awareness and the skill level of staff in ways that training alone cannot.

Office of State Courts Administrator (OSCA) Context

HB 1453 had less overall impact on the court system than on Children's Division. Although the law required a number of significant procedural changes, the challenge for most jurisdictions had less to do with substantive changes and more to do with the fact that the changes were expected to be made immediately. The judicial response to HB 1453 included the following:

- Statute and Supreme Court Rule have established time frames for hearings in CA/N cases.
- Courts are required to report quarterly all hearings not held within the mandatory time frames, the reasons for the delays, and a plan for compliance.
- The courts have opened hearings, pleadings, and orders in CA/N and termination of parental rights (TPR) cases.

In September 2004, OSCA, CD, and the Department of Mental Health (DMH) presented two half-day sessions on new legislation to a multidisciplinary audience via video teleconference at nine sites statewide. More than 500 individuals attended the program. From March to May 2005, 691 participants attended the Comprehensive Child Welfare Conference, which was held at five regional sites. Training participants included judges/commissioners, juvenile officers, attorneys, CD staff, guardians ad litem (GAL), Court Appoint Special Advocates (CASA), court clerks, court administrators, and DMH staff. OSCA continues to provide legislative updates for court personnel annually.

In July 2004, the Supreme Court issued an order adopting Rules 111.13, 111.14, and 119.01, effective February 1, 2005, addressing protective custody, the protective custody hearings, and the

³For more information, see the 2006 Annual Report of Missouri's Program Improvement Plan (PIP) at the previous website address.

schedule of all hearings. In March 2005, the Supreme Court adopted Rules 117.02, Open Hearings; Rule 119.10, Continuances; Rule 119.11, Untimely Hearings; and Rule 122.02 Open Records, effective January 1, 2006. The Court also adopted Court Operating Rule 23.01, Reporting Requirements for Child Abuse and Neglect Cases, effective July 1, 2005.

The Supreme Court's Family Court Committee, through its Juvenile Court Rules Workgroup, is currently conducting a comprehensive review of the Rules of Practice and Procedure in Juvenile Courts, with an emphasis on recommending rule revisions specific to child abuse and neglect proceedings as they relate to HB1453. This workgroup is comprised of juvenile and family court judges, juvenile officers, attorneys for parents, youth and juvenile officers, a GAL, and representatives from Missouri CASA, and DSS Division of Legal Services. These recommendations will then be submitted to the Supreme Court for its consideration.

Prior to passage of HB 1453, the Juvenile Court Improvement Project (JCIP), funded through the Adoption and Safe Families Act (ASFA) of 1997, initially targeted timely child abuse/neglect hearings in selected circuits. The *Missouri Resource Guide for Best Practices in Child Abuse and Neglect Cases*, developed using JCIP funds, was introduced at seven regional multidisciplinary training workshops conducted throughout the State in 2003. The workshops drew more than 900 participants, including judges and family court commissioners whose attendance the Supreme Court mandated. The *Resource Guide* is provided to all new judicial officers and juvenile officers and is available electronically through the Judiciary's intranet. It has also been provided to the Children's Division. The *Resource Guide*, which incorporated in an organized procedural fashion, the applicable Missouri statutes and Supreme Court Rules and the requirements of the ASFA, contains Missouri specific bench cards for each child abuse and neglect hearing type, as well as the Indian Child Welfare Act (ICWA), the Interstate Compact on the Placement of Children (ICPC), and the Multiethnic Placement Act (MEPA). The *Resource Guide* continues to be updated to reflect statutory and rule revisions. Plans call for a major revision and statewide training following adoption of any new Supreme Court Rules that may be adopted as a result of the current work by the Family Court Committee and the Juvenile Court Rules Workgroup. Funding has been set aside in the JCIP grants for this activity.

In 2002 and again in July 2005, JCIP staff participated in the Missouri's Title IV-E Foster Care Eligibility Review. The purpose of the review is to determine whether children in foster care meet statutory eligibility requirements for foster care maintenance payments. The State passed the review with only three errors found, all involving funding claims without the required entry of reasonable efforts findings.

OSCA also collaborates with CD in implementing portions of the PIP (described previously). In December 2003, JCIP staff participated in the on-site phase of the CFSR, consisting of case reviews and stakeholder interviews. Staff later served on the Statewide Assessment Group and provided assistance in development of the PIP as it relates to judicial and legal reforms. Missouri's strategic plan, in response to the CFSR, requires legal and judicial participation in the CFSR process. Through a contract between the OSCA and CD, multidisciplinary training required by the PIP has been provided. Also, court personnel were advised of the specific areas for improvement involving judges and other juvenile court staff contained in the PIP. In addition, staff from OSCA agreed to serve on the PIP Advisory Committee, a multidisciplinary group whose purpose is to identify strategies for improving outcomes in child welfare cases.

In July 2006, through the JCIP, OSCA began the *Fostering Court Improvement* (FCI) project, a collaborative project with CD, the University of Missouri School of Social Work, and *Fostering Results*, School of Social Work, University of Illinois. Missouri, Arizona, and Arkansas are the three states participating in this project. This project is aimed at increasing collaboration between courts and CD through systematic use of existing data systems to improve case handling and outcomes for children and families. The FCI project collects data on 22 measures on a quarterly basis related to permanency, stability and safety of children. There are also due process measures specifically related to functions of the court. While the focus is on multidisciplinary collaboration to improve the process and services delivered to children and families, the data guides the local teams on the pending issues. This project is currently implemented in four circuits (13th, 22nd, 31st, and 35th). Circuits 23, 25, and 26 received training in September 2007 to join the initiative.

Efforts to improve coordination between the Court and CD include adding enhancements to the Missouri Juvenile Justice Information System (MOJJIS) in November 2007. MOJJIS allows the sharing of juvenile-related information between the Juvenile and Family Courts, Department of Health and Senior Services, DMH, DSS, and Department of Elementary and Secondary Education. While the court system and the child welfare system are not directly interfaced, each has a system to track children who are served through the juvenile courts. The Justice Information System (JIS) was implemented statewide in juvenile courts effective May, 2007. The implementation of a statewide automated case management system will allow OSCA to measure performance without relying solely on other agency data. A case scheduling tool, known as Milestones, exists within JIS to assist the local courts with case flow management, thus facilitating timely hearings.

Since 2003, CIP and other federal funds have been used to purchase and install videoteleconferencing (VTC) equipment in juvenile offices, juvenile detention centers, and courtrooms where juvenile proceedings are held. A VTC system was also installed in the Division of Legal Services of DSS. Recipients are encouraged to use the VTC systems to enhance communications among participants in the child welfare system, including children, children's service workers, judges/commissioners, juvenile officers, attorneys, guardians ad litem (GALs), CASA volunteers, parents/custodians and children's care providers. Sites have reported using this technology for staff meetings; for trainings on protective custody procedures, forms and processes; for Family Support Team Meetings; and for visitation. This equipment can facilitate the participation of parties in court proceedings and Family Support Team Meetings (FSTM) who might otherwise be unable. In addition, the equipment can be utilized to facilitate sibling and parent-child visits. To date, there are units in 25 judicial circuits, with plans to purchase additional units with JCIP funds to ensure access in all multicounty jurisdictions by 2012.

Methodology

Several methods were used to collect data for this assessment. Interviews were conducted by the consultants with key informants from CD and OSCA, as well as judges, foster parents, and staff from the Office of Child Advocate (OCA). A number of documents from CD and OSCA were provided to the Task Force for review. Finally, three focus groups were conducted, in Springfield, Kansas City, and the St. Louis area. Focus group participants at each site included the following: a CASA, a GAL, a court deputy juvenile officer (DJO), two CD line staff, two representatives of private contract service providers, a Task Force member, a foster parent, a court lawyer, and an older youth (one in Springfield and two in St. Louis). In St. Louis, the focus group was balanced between city and county participants. For CD line staff, the contractors were provided with a list of

names of employees who had been with CD for a sufficient period to be able to speak to changes resulting from HB 1453. The employees were identified by gender and race/ethnicity. The independent contractors selected staff to participate, attempting to achieve a balance of representation by both gender and race. In order to select representation from the private contractors, the contractors contacted the chief executive officer of each performance-based provider consortium to obtain details about each agency in the consortium, such as types of services offered and number of staff. One agency director was then selected to participate in the focus for each region with an attempt to balance representation by agency size and type of service across the three focus groups. Other representatives were identified by their organizations based on availability. In total, over 50 people participated in this study during September/October 2007. Documents from both CD and OSCA were reviewed. Further, these two organizations were asked to document their policy changes and training efforts for each aspect of HB 1453. The System Response Chart (Appendix B) is a compilation of those policy responses.

This qualitative data is used in this report to provide an in-depth description of how each section of HB 1453 has been implemented by both CD and the court system.

In addition, a website was established for public comments that was available from October 1 to October 19, 2007. It was necessary to close down the public comment period on that date in order to allow for review of the data. Respondents could submit comments anonymously if they chose, and were asked to identify themselves by category (foster parent, Children's Division worker, parent of child in system, concerned citizen, student, judge, court employee, CASA, guardian ad litem or attorney, or private service provider). The presence of this website was published via direct e-mails including a press release to the following organizations:

- Consortium chief executive officers
- Child Fatality Review Panel
- State Youth Advisory Board
- Missouri Task Force on Children's Justice members
- Juvenile officers and court personnel
- Adoption & Foster Care Coalition
- Children's Division
- Office of State Courts Administration

In addition, the press release was distributed statewide to media through the Missouri Press Association's online, automatic press release service. The Task Force received 66 public comments.⁴

For purposes of this report, focus group participants and key informants will be identified as separate groups when necessary. The term *respondents* refers to the combined data from both groups.

Research Questions

The following overarching questions guided data collection:

⁴The Task Force also received 40 "spam" comments, most of which occurred during the final days of the public comment period.

1. Is the Office of Child Advocate providing effective services to children and families?
2. In what ways has the change in standard of proof to preponderance of evidence affected investigations of child abuse/neglect?
3. What are the challenges with the new Voluntary Placement Agreement (VPA) process for mental health treatment, and is it benefiting children and families?
4. Is privatization benefiting children and families? Are there unintended negative impacts of privatization?
5. Have changes related to standards, training, and attendance at hearings improved the ability of foster parents to provide care to children?
6. What is the impact on the court system from HB 1453?
7. Is the data gathered from the field consistent with information being presented by the courts and the Children's Division?
8. Is there sufficient data to demonstrate that implementation of HB 1453 has been in the best interests of the children?

Office of Child Advocate (OCA)

HB 1453, Section 37.705 R.S.Mo.,⁵ established the OCA for Children's Protection and Services (OCA) within the Office of Administration. The Office of Child Welfare Ombudsman preexisted HB 1453, created in 2002 by Executive Order 02-22. HB 1453 changed the name of the office to the Office of Child Advocate. Mary McEniry served as Missouri's first child welfare ombudsman, from September 2003 to January 2006. Steve Morrow has served as the child advocate since that time. In addition to the child advocate, there are two investigators and an office manager on staff. The budget appropriation for 2005-06 was \$299,361, down from \$406,468 in 2003-04 and \$340,274 in 2004-05.⁶ The OCA has three primary responsibilities: (1) to receive, investigate, and act on complaints, offering recommendations as necessary; (2) to educate the public regarding the child welfare process in Missouri, while increasing public awareness of the OCA; and (3) to provide an annual report to the governor and chief justice, including recommendations for improving the system.

The primary role of the OCA investigators is to receive and investigate complaints. These complaints typically come from parents or other relative(s). However, Section 210.145.15 provides that if the report is determined to be unsubstantiated, a self-identified reporter may request the report be referred by the division to the OCA. The OCA then has access to all reports and files pertaining to the case. The OCA attempts to complete a review of these files within 30 days. The OCA sends a letter to the CD regarding issues with which the OCA disagrees, and a letter is also sent to the reporter. The statute mandates that OCA can receive referrals, but does not provide authority to require CD to make any changes or to re-open the case. Unsubstantiated reports cannot by law be changed; therefore, in order to make formal changes to the case, CD would be required to open a new case. However, OCA staff report that CD staff have been receptive and willing to consider OCA's recommendations. The OCA has attempted to become visible to the public through attending meetings and conferences, distributing an OCA brochure, and sponsoring a website (www.oca.mo.gov).

⁵ All statutory section references herein are to the Revised Statutes of Missouri.

⁶See Office of Child Advocate for Children's Protection and Services Annual Reports for 2003-04, 2004-05, and 2005-06, available online at www.oca.mo.gov.

Complaints to the OCA generally fall into three main categories: child safety; family separation and reunification; and child health, well-being, and permanency. The OCA annual reports provide a breakdown of the policy/procedure considerations and practice issues that have been the subject of the calls. The majority of calls over the three years have come from the three most populous regions of the state -- Jackson County (Kansas City), St. Louis City and County, and Greene County. The majority of calls have involved Caucasian children. Table 1 provides a breakdown of caller relationships from the inception of the office.

Relationship of Caller to Child for Calls Placed to the Office of Child Advocate, 2003-2006.

	2003-04	2004-05	2005-06
Biological parent	150	130	95
CASA/GAL	2		4
Child	4	4	2
Children's Division	3		
Community professional or service provider	10	13	10
Foster parent	26	15	17
Grandparent	64	51	33
Legal guardian	1	7	1
Other relationship	15	10	9
Other relative	34	29	30
Stepparent	7	2	2
Attorney	---	1	
Law enforcement	---	1	
Other	---	---	1
Prosecutor's office	---	---	1
Public defender	---	---	1
<i>TOTAL</i>	<i>316</i>	<i>263</i>	<i>206</i>

Findings

Participants in all three focus groups who were aware of the OCA spoke in positive terms about the OCA. Participants indicated that, when the OCA investigators attended meetings, their participation was professional and the OCA staff showed a familiarity with the case. Focus group participants pointed out that the OCA has no enforcement power to compel Children's Division to reopen a case. Further, Section 37.710.2(4) provides that the OCA has the authority to file amicus curiae briefs on behalf of the interests of the parent or child, but the OCA does not have an attorney on staff. Respondents overall felt the OCA should remain an independent office in order to best serve children and families.

Key informants raised an issue regarding visibility and public knowledge of the OCA. In fact, a number of judges were unaware of the OCA. Some informants felt that the relationship was somewhat adversarial. Other key informants reported that they used to see the previous ombudsman, but that the new child advocate was less visible. Respondents as a whole did not indicate a need to change any aspects of the law, except with respect to acknowledging that the lack of some kind of enforcement capability may hinder the OCA's overall effectiveness.

In summary,

- The OCA is viewed as a positive outcome of HB 1453 among those familiar with the office.
- The OCA may wish to consider additional methods of disseminating information regarding its services.
- Although some informants mentioned that the OCA has no enforcement power, there is insufficient data to conclude that changing this aspect would result in substantially different outcomes.

Fingerprinting of Juvenile Offenders Charged as an Adult

Section 43.503 requires the court that certifies a juvenile offender as an adult to order local law enforcement to immediately fingerprint the individual. No key informants or focus group participants indicated any problems with this requirement. This requirement is uniformly done.

Definition of Homeless Child or Youth

HB 1453, Section 167.020, modified the term *homeless child or youth* to include children and youth under age 18 who: are sharing housing with other persons, living in motels, hotels, or emergency shelters, or who are awaiting foster care placement; who have a primary nighttime residence that is not designed for regular sleeping accommodations; are living in cars, public space, abandoned buildings, or similar settings; and are migratory. Only foster children awaiting foster placement are considered homeless under this definition. After they are placed in a foster home, they are no longer considered homeless. Missouri law now conforms to the Federal McKinney-Vento Homeless Assistance Act (42 USC 11431 et seq.).

Findings

Respondents indicated several concerns regarding homeless youth. First, some respondents expressed dissatisfaction with this definition as being too limited. Under Missouri law, after a child is placed in foster care, s/he is no longer considered homeless, and requirements for school transcripts, immunization records, etc., lead to delays in getting foster children into school. Youth participants in the focus groups indicated that they had experienced school delays during their time in foster care. One apparent result, as reported by youth participants in the focus groups, is delays enrolling in school during time of change in foster home or residential placement as these children are not deemed “homeless.”

Second, CD does not have jurisdiction over homeless children as such, unless a report comes through the hotline. Instead, community-based organizations attempt to provide shelter and services to homeless children. Rural counties are less likely to have such services. In summary:

- Respondents did not indicate that HB 1453 has had an impact on homeless children.
- Several respondents, especially focus group participants, suggested that the definition of homelessness should be expanded to include children after they are placed in foster care in order to maintain children in school.

Preponderance of the Evidence Standard of Proof

HB 1453, Section 210.152, increased the standard of evidence in child abuse and neglect cases from probable cause to preponderance of the evidence. A *standard of proof* indicates the degree to which, in this case, a finding of child abuse is made. As indicated in Appendix B, this necessitated a considerable amount of policy revision for CD. The probable cause standard of proof allowed for a finding of child abuse when the available facts, viewed in the light of surrounding circumstances, would cause a reasonable person to believe a child was abused or neglected. The preponderance of evidence standard requires that “the degree of evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it, or evidence which as a whole shows the fact to be proved to be more probable than not.”⁷ Focus group respondents referred to this standard as “51%” – there must be at minimum a 51% weight of the evidence in favor of a CA/N finding. Training on this change included basic training for CD case workers; a videoconference training for circuit managers and regional directors in August 2007; and a training in development with the Missouri Highway Patrol, which will be offered to investigators and supervisors tentatively in December 2007/January 2008.

OSCA has also been active in addressing this requirement of the law, which is applicable to CD determinations. Preponderance of the evidence was discussed at the Comprehensive Child Welfare Conference held in the spring, 2005. Training participants included court personnel and the Children’s Division. OSCA also provides funding for local multidisciplinary training through the CIP grants. St. Louis County conducted training on a unified approach to child abuse/neglect investigation, protection, and treatment, which included a segment on the standard of proof before removal of a child is to occur. Standards of proof are also found in the Juvenile Officer handbook. The Supreme Court further codified the standard of proof in *Jamison v. State of Missouri, Department of Social Services, Division of Family Services*, 218 S.W.3d 399 (Mo. 2007). In this case, the Supreme Court of Missouri held that, prior to individuals being included in the Central Registry, they are entitled to notice and a pre-deprivation hearing before the Child Abuse and Neglect Review Board (CANRB), at which a preponderance of the evidence standard will apply. The CANRB must first determine that the allegations are proven by a preponderance of the evidence or CD cannot constitutionally include the alleged perpetrator’s name on the Central Registry.

Findings

Focus group participants and CD staff reported that the change in the standard of proof has had a significant impact on Children’s Division. This was described as a culture change for CD in shifting the investigation from the best interests of the child to evidence gathering. Several respondents felt that this change results in delays that increase risk to children, and that the preponderance of the evidence standard may benefit the abusive parent by making CD reluctant to make a finding. Respondents raised concerns specifically regarding the impact of the standard of proof in child sexual abuse cases. The Task Force did not collect data specifically on child sexual abuse cases due to the time constraints.

On the positive side, respondents suggested that CD is trying to offer more services without bringing the family into court. In addition, the law requires that when a finding is made against a

⁷*Child Welfare Manual*, Section 2, Chapter 4, Attachment L.

perpetrator, that person's name is placed immediately on the Child and Abuse Registry. However, if the alleged perpetrator is innocent, preponderance of evidence increases the likelihood that no finding will be made against an innocent person. On the other hand, judges reported that, on the whole, this did not affect the courts, as preponderance of the evidence has been the standard. Other court respondents agreed that this did not, in fact, have a major impact on CD, noting that the juvenile officer did most of the evidence gathering.

In conclusion, these findings suggest the following:

- Increasing the standard of proof has required significant CD investment in training and policy change. CD staff considers this a major change.
- It is clear that some members of the judiciary view the burden as being more on the judicial officer than on CD staff.
- There is insufficient data at this time on which to base a determination whether this change has resulted in increased or decreased risk for children. However, if a reasonable person has concluded that a child should be removed from a home, but there is insufficient or inadequate confirmation warranting removal, then children *may* be at risk from this apparent shift of focus.

Voluntary Placement Agreements (VPA) for Mental Health Services

HB 1453, Section 210.108, allows for voluntary placement agreements whereby a parent may retain legal custody of his/her child and place the child in the care of CD solely for the purpose of accessing necessary mental health treatment. In response, CD worked with the Department of Mental Health (DMH) to develop a Custody Diversion Protocol, which outlines processes to be used to obtain mental health services for a child without taking the child into custody. No judicial order is required, and the court has no control over treatment and/or mental health services. As part of its Custody Diversion Protocol, DSS has entered into an interagency cooperative agreement with DMH for treatment services. If an out-of-home placement is still needed, the VPA may then be used. The VPA is a written agreement between the CD and a parent, legal guardian, or custodian of a child under age 18 solely in need of mental health treatment. DSS collects data on VPAs through the Alternative Care Tracking System (ACTS), but CD staff has limited direct contact with the family under these agreements, as case management for the family is transferred to DMH. A VPA may not exceed 180 days (6 months) in duration. After that time, a child may be returned home, DMH may continue the case on its own, or CD may take custody and work toward reunification. The Children's Division has entered 273 youth in the system under the VPA through July 31, 2007. Approximately 35 youth are active in VPA monthly. According to DMH, 535 youth have been diverted from custody or from having to access the VPA process by use of the Custody Diversion Protocol and through the availability of VPA.

Findings

Two of the three focus groups reported positive impacts from the VPA initiative. One participant noted that this has opened a door for children to be screened that was not previously available. The stigma for parents' involvement with CD just for mental health services has been removed. However, one of the focus groups expressed dissatisfaction with this process. This group indicated that VPAs are not being utilized in their area, and that no one including parents is aware of it. In

addition, concerns exist that in delinquency cases, in which mental health issues often arise, VPAs are more difficult to utilize due to court involvement and the requisite judicial oversight. Respondents were also unsure as to whether the VPAs include substance abuse as a mental health issue. There have been challenges with determining the process, uncertainty regarding court jurisdiction, and a lack of consistent criteria for using the VPA.

All respondents reported problems with accessing mental health services. Specific problems noted included bed shortage, lack of timely placement, and the fact parents do not find out until too late about the availability of the VPA process. Frequently, a factor in child abuse is the parent's inability to cope with the child's mental illness. Furthermore, respondents expressed frustration with DMH. Often, there is a lack of communication between the administrative and clinical branches of DMH. This inability to communicate is regularly observed in cases wherein a child suffers from both a mental illness and substance abuse. There are also perceived and/or real communication issues between DMH and CD regarding implementation and execution of the VPAs. There is a perception that DMH selects cases to receive services and is bureaucratically rigid. In addition, respondents report continuing funding problems for mental health services. A majority of respondents was positive about the *possibilities* of the VPAs, subject to the concerns raised above, particularly the fact that once a child is in court due to delinquency, the VPA becomes a less viable option. In summary:

- Mental health services are insufficient to meet the need.
- The voluntary placement agreement provision of HB 1453 is viewed as having the potential for positive results, but CD and DMH need to establish uniform criteria and implementation procedures, and improve interagency communications.
- There are questions regarding the circumstances under which VPAs can be used, and also concerns that parents are not being adequately advised regarding this process.
- DMH needs to improve coordination for services for dual diagnosis cases.

Changes to the Child Abuse and Neglect (CA/N) Hotline

The child abuse and neglect (CA/N) hotline was created in 1975 as a single, statewide toll-free telephone number that accepts calls 24 hours/day, 7 days/week. HB 1453 specified two changes to the hotline. First, Section 210.109 requires that mandated reporters identify themselves on hotline calls, although reported information is still confidential. Second, Section 210.145 requires the hotline to implement structured decision-making (SDM) protocols for classifying reports at the hotline. The SDM protocol was developed through a work group established in 2003. The protocol was implemented in paper form in 2004, and then automated in June 2005 in FACES. The SDM protocol developed by DSS consists of "Entry" questions, which then direct the hotline worker to various "pathways," such as abandonment, domestic violence, hungry, bruises/visible marks, etc. At the time of this report, 28 pathways⁸ were available to workers, each of which includes a detailed set of questions that then determine the type of action. All of these questions are linked

⁸These include: abandoned, accident, afraid to go home, beaten/injured, behaving strangely, bruises/visible marks, dirty/inappropriate clothing, domestic violence, drug-exposed infant, drugs/poisoning, educational needs, emotional abuse/rejection, exhibits provocative behavior, exposed to sexual acts/materials, fatality, hungry, kicked out of home, parent's inappropriate behavior, parent's mental illness, sexual acts/exploitation, shaken baby, suspicious injury, threat to severely harm or kill, unsafe/unsanitary home, unsupervised, untreated illness/injury, and no utilities.

through the FACES system. Workers are automatically sent to the next appropriate section of the protocol. If

conditions for a CA/N report are met, the worker then goes to the “Closing for CA/N Report” section. Conditions for a CA/N report for each pathway are outlined under “action needed if.” The response for each type of action is also specified; i.e., face-to-face contact in 3 hours, face-to-face contact in 24 hours, or face-to-face contact in 72 hours. If conditions for a CA/N report are not met, the worker then goes to the “Non-CA/N Referral” section.

The requirements for specifying an “Investigation” or an “Assessment” are also outlined. An investigation is warranted if any of the following conditions are met:

- Situations requiring 3-hour contact.
- Household conditions including methamphetamine laboratories that are unsanitary or hazardous and could lead to severe injury or death if not resolved.
- Lack of shelter when a child’s minimal basic needs are not being met.
- Alleged perpetrator is a non-relative and non-household member.
- All out-of-home investigation (OHI) reports are investigations.

An assessment occurs when any of the following conditions are met:

- Situations requiring 24-hour contacts when household conditions do not pose an immediate risk of severe harm or death to child but do threaten the safety and well being of child if not resolved and perpetrator is a relative or household member.
- No Out-of-Home Investigations (OHI) reports are assessments.

An investigation requires the local office to contact police to participate with the investigation. With mandated reports, if the call does not meet any referral criteria, it is classified as a “mandated referral.” This does not occur with “permissive” reporters.

The SDM protocol also encourages reporters to give their names in compliance with the law. On the “Entry” portion of the hotline interview, if a reporter who wants to remain anonymous is identified as mandated (by their relationship to the child or by their occupation), the hotline worker states the following: "If you are a mandated reporter, by law, you must leave your name, but your name and any personally identifiable information shall be held confidential." Further, in both the “Closing for CA/N report” and the “Closing for Referral,” the reporter is reminded that the reporter must give his/her name in order to receive information from the county office. Section 210.145.15 provides that any self-identified reporter is to be informed of his/her right to obtain information concerning the disposition of the report. The determination letter regarding the case is sent to the reporter, if the reporter has left his/her name. The letter states that the reporter may request a review by the OCA.

In addition to these mandated changes, a new Call Management System (CMS) was introduced in 2004 in response to excessive busy signals during periods of high incoming call volume. The CMS allows supervisors to manage calls by changing queue settings and sending alert signals to workers. DSS reports that prior to CMS, the hotline answered on average less than 50% of incoming calls and gave several thousand busy signals each month. By June 2004, the hotline answered 96% of incoming calls and gave only 157 busy signals.

Findings

One of the questions raised by the Task Force was whether the change requiring mandated reporters to disclose their names has inhibited reporters from calling. Findings from the focus groups are ambiguous regarding whether this change has inhibited mandated reporters. Some participants suggested that reports by mandated reporters (termed “M reports”) are perceived as not taken as seriously as reports made by other callers. Therefore, mandated reporters sometimes call anonymously so that the report will be given more weight. However, there was not consistent agreement that this was happening. Judges did not report concerns in this area, although they joined focus group participants in suggesting that teachers in particular may be unwilling to report, because they have to deal with the family. Respondents expressed uncertainty regarding whether a mandated reporter’s name remains confidential, and under what circumstances it could be released.

The impact of SDM protocols is difficult to assess. Clearly, DSS is pleased with the protocols and they comply with Federal standards. Hotline staff describe the interview prior to the SDM protocol as being more “free flowing” and subjective. Respondents overall were not aware of these protocols, and reported inconsistency with how calls are handled and the length of time involved, which may reflect the issues related to “M” reports.

Thus, with regard to changes to the hotline, the findings suggest the following:

- Some stakeholders around the State perceive the hotline as not taking mandated report calls as seriously as those from anonymous callers.
- Stakeholders did not report any particular experience with the structured decision making protocols.

Privatization

Section 210.112 of HB 1453 required CD to enter into contracts with private service providers for child welfare services, beginning in July 2005. The then Division of Family Services (DFS) first began contracting with the private sector for adoption case management services in 1988. In 1997, contracts were put in place for foster care/adoption case management services. Through stakeholder meetings that began in 2002, performance-based contracts (PBC) were developed. In 2004, public/private subcommittees were formed for the development of the provider and personnel qualifications, enrollment, and outcomes sections for the request for proposals. The division sought contracts with provider consortiums that could pool resources in their communities. The performance-based and foster adoption case management contracts were awarded to seven consortiums effective June 1, 2005. For year 1 (2005-06), each consortium received a base caseload of 548 cases. As children move to permanency, those caseloads are reduced. Therefore, at the beginning of each contract year, CD “rebuilds” the caseload back to 548 children (year 2 covers 10/1/06-9/30/07, year 3 is 10/1/07-9/30/08).

The following provider consortiums and private service providers serve St. Louis city, St. Louis County, St. Charles County, and Jefferson County:⁹

⁹This information from the CD Report to the General Assembly on Contracted Case Management of Child Welfare Cases (July 2007).

- Missouri Alliance for Children and Family Service Center (548 cases for year 2)
 - Missouri Alliance
 - Boys & Girls Town
 - Edgewood Children's Center
 - Missouri Baptist
 - Presbyterian Children's Services
 - Evangelical Children's Home
- Children's Permanency Partnership, LLC (548 cases for year 2)
 - Family Resource Center
 - Epworth
 - Youth In Need
 - Urban Behavioral Health Services
- St. Louis Partners (225 cases for year 2)
 - Catholic Charities
 - Good Shepherd Children and Family Services (formerly Catholic Services)
 - Bringing Families Together
 - Our Little Haven
 - Lutheran Family and Children Services

These provider coalitions serve Jackson (Kansas City), Andrew, Buchanan, and Clay counties.

- Cornerstones of Care (326 cases for year 2)
 - Gillis
 - Marillac
 - Ozanam
 - Spofford
 - Missouri Baptist
- Family Advocates, LLC (175 cases for year 2)
 - Crittenton
 - Catholic Charities
 - Downeyside (ending September 2007)

These provider consortiums serve Greene, Christian, Taney, Lawrence, Barry, and Stone counties:

- Boys Town of Missouri (300 cases for year 2, up from 240 in year 1)
 - Boys & Girls Town
 - Missouri Baptist
 - Presbyterian
 - Missouri Alliance
 - Burrell
- Springfield Partners, LLC (165 cases for year 2, up from 120 in year 1)
 - Alternative Opportunities
 - Catholic Charities

Good Samaritan Boys Ranch
Lutheran Family and Children Services

In order to assign cases to the consortiums in an unbiased manner, CD contracted with the School of Social Work, University of Missouri-Columbia (SSW) to develop a method of assigning the initial caseloads using a random selection process. CD instructed the SSW that the caseloads should be as equitably assigned as possible based on the variables of gender, race/ethnicity, age, and time in the CD system. The SSW produced a statistical profile of each county from the data file of all children in care provided by CD. Randomly selected cases were compared with the statistical profile to assure proportionate representation, and these cases were then passed to the consortiums and mirror units.

In Jackson and Greene Counties (16th and 31st circuits, respectively), the CD established in-house mirror units to compare the performance of CD with the contracted providers. Cases supervised by the mirror units, and cases supervised by the private contractors, were matched on the following criteria: the type of caseload; provided services (limiting services to only those provided by the contractors); caseload size; supervisory ratios; and random assignment of replacement cases.

The PBC contracts specify outcomes and measures to be achieved by the private service providers. The outcomes (termed *domains*) and measures (termed *data elements*) include the following:

<i>Domains</i>	<i>Contractual Definition</i>	<i>Data Elements</i>
Re-entries	91.4% or more children in the custody of the state agency or under the supervision of the state agency must not re-enter state agency custody or supervision within twelve (12) months of previous exit.	<ul style="list-style-type: none"> ▪ Total population ▪ Number of re-entries ▪ Total number exits ▪ % did not re-enter care ▪ <i>Target:</i> 91.4%
Stability	82% or more out-of-home children shall experience two (2) or less placement settings.	<ul style="list-style-type: none"> ▪ Number of children with 0, 1, and 2 moves ▪ Percent with 2 or less moves ▪ <i>Target:</i> 82%
Residential utilization days	The contractor shall reduce the average utilization days for residential treatment placements by 2%. The average utilization days originated from historical data for each region.	<ul style="list-style-type: none"> ▪ Residential treatment average utilized days ▪ Percent of children in residential treatment ▪ Average utilized days in contract ▪ <i>Target:</i> variable by consortium
Resource homes	Contractor state the number of resource homes they will develop.	<ul style="list-style-type: none"> ▪ Number of homes developed ▪ <i>Target:</i> variable by consortium
Permanency	<u>St. Louis Geo Region #1</u> 32% or more out-of-home children under the jurisdiction of one the juvenile courts located in geographical area 1 must achieve permanency.	<ul style="list-style-type: none"> ▪ Number achieving permanency ▪ Percent achieving permanency ▪ <i>Target:</i> St. Louis region, 32%; Kansas City region, 30%; Springfield region, 24%

	<u>Kansas City Geo Region #2</u> 30% or more out-of-home care children under the jurisdiction of one of the juvenile courts located in geographical area 2 must achieve permanency. <u>Springfield Geo Region #3</u> 24% or more out-of-home care children under the jurisdiction of one of the juvenile courts located in the geographic area 3 must achieve permanency.	
Safety	99.24% or more out-of-home children must not have substantiated child abuse/neglect reports with the alternative caregiver as the perpetrator.	<ul style="list-style-type: none"> ▪ Number of child abuse/neglect in foster care ▪ Percent of child abuse/neglect in foster care ▪ <i>Target: 99.43% for year 1</i>

An outcomes report for year one (9/1/05-9/30/06) was submitted to the General Assembly with the July 2007 annual report, as required by HB 1453. This report indicated:

- ◆ Re-entries. All consortiums and the CD mirror units met the re-entry target of 91.4%.
- ◆ Stability. All consortiums and the CD mirror units met the stability target of 82%.
- ◆ Permanency. Two consortiums and one mirror unit achieved their permanency target of 30%. The Jackson County mirror unit exceeded its permanency target of 30% by 10%, but the Greene County mirror unit missed its target of 24% by 4%.
- ◆ Residential utilization. None of the consortiums or the mirror units met the residential utilization target, although the discrepancy was consistently three or four cases.
- ◆ Resource homes. Five of the seven consortiums developed the number of resources home stated in their initial proposals.
- ◆ Safety. Five of the seven consortiums and both mirror units met their goal of 99.43% of cases *not* having a substantiated CA/N report against an alternative caregiver.

SSW Evaluation

In June 2005, the Children's Division contracted with the School of Social Work, University of Missouri-Columbia (SSW) for two years to conduct evaluation activities related to the division's implementation of performance-based contracting. The SSW issued its evaluation report in May 2007.¹⁰ The SSW used a variety of data collection methodologies, including focus groups ($N=6$); a survey of CD and private service provider employees ($N=194$); a caregiver survey ($N=306$); site visits; judge, court, and legal interviews ($N=43$); and a preliminary cost analysis. The findings include the following:

¹⁰Galambos, C., Kelly, M. J., & Yoon, D. P. (2007). *Report of the Performance Based Contract Evaluation*.

1. There is a strong commitment to the partnership and recognition that “glitches” are a normal part of new initiatives.
2. The liaison/PBC coordinator is a positive administrative structure to provide a bridge between CD and the private contractors.
3. Private contractor staff was more positive regarding salary raises than was CD staff. Private agency employees were more likely than CD employees to express satisfaction with their work environment and culture.
4. Caregivers were satisfied with the support they received from both CD and contractors, although contractors were rated higher on the provision of services overall, communication, responsiveness, and contact. However, CD caseworkers have higher caseloads, which may explain some of these findings.
5. Court personnel perceived a higher level of treatment sophistication through the inclusion of some specific private agencies.
6. Court personnel also indicated that unfamiliarity with legal and court processes has been an impediment for some contractors. Further, the constant turnover of staff and the resulting discontinuity in case management and oversight are seen as a significant barrier to effective provision of services.

Cost of Privatization

CD reports that each contractor providing services during year 1 was awarded \$126,000 for start-up costs. This supported the salary of 14 case managers for three months. Total expenditures to the seven consortiums since the inception of the case management contract in September 2005 are approximately \$52 million. As part of its evaluation, the SSW was charged with conducting a cost analysis of privatization. The cost analysis is based on a 13-month cost per case from 9/1/05-9/30/06. The SSW report found that the contractors’ per case costs ranged from \$6,000 to over \$11,000. Both of the mirror units were below that range (\$5,663 in the Jackson County mirror unit and \$4,419 in the Greene County mirror unit). However, they strongly advise that these numbers are preliminary. Future cost analyses “should compare cases of adoption, reunification, guardianship, and other permanency outcomes by contractor, mirror, and traditional units.”¹¹

Findings

Focus group participants and key informants consistently reported that CD staff were initially very concerned about losing their jobs because of privatization, and this caused a considerable amount of stress. However, there is a sense now that CD staff are less anxious regarding job security. An additional source of stress reported by CD staff was the abrupt disruption in relationships when cases were randomly assigned. This was also a finding of the SSW report.

Respondents cited a number of positive consequences they perceive as resulting from privatization:

- ◆ There has been an influx of new people and new ideas.
- ◆ Private contractors are perceived as having smaller caseloads and can therefore spend more time with the family.

¹¹ Ibid., p. 11.

- ◆ It is easier for private contractors to implement services due to flexible funding provisions, which is hindered by limits to CD funding and also bureaucracy.
- ◆ If a child is placed in another county, the contracted case manager is able to simply drive to the other counties, rather than assigning a CD worker in each county.
- ◆ Decreased caseload for CD staff.

Several respondents mentioned communication problems between CD and the private service providers, but were uncertain of the cause of those problems. There were differences reported by respondents in terms of how CD staff interacts with the contractors. This is likely due to the fact that each region has developed local protocols between CD and the regional consortium that outline who the CD liaison will be and how the two systems will interact. This results in a process that is perceived as system oriented rather than child oriented. However, focus group participants raised issues related to privatization in other states, and suggested that the Missouri privatization system is better, with “checks and balances.” The outcomes requirements on private contractors were considered both positive and negative. On the positive side, outcomes help move a case along, with the intent that children spend less time in foster care. However, these outcome deadlines were considered by some to be too rigid and harmful to children.

Some respondents perceived CD workers to be more knowledgeable than private contract staff. There were also questions regarding whether private contract staff receive as much training as CD staff. Respondents also disagreed on turnover issues. Some respondents suggested that turnover is just as high for the private contractors as for CD. Others suggested that private contractor staff is better paid and therefore draw good staff away from CD. Respondents raised the issue of “dead wood,” suggesting that private contractors have the ability to terminate employees who are not doing a good job, and this is difficult for CD. Furthermore, some respondents indicated that contracting cases out resulted in disruption of case management and required families to adapt to a new caseworker.

One of the most prominent findings in the SSW report is that CD case workers were very critical of how cases were selected for assignment to the PBC consortium. The fact that they had no say in the initial caseload assignments meant that some cases which had been with a caseworker for a long time might be transferred. Thus, caseworkers lost relationships with those families and children, and this caused both concern and distress. As a result, CD has attempted during the “rebuild” process to give local staff the opportunity to screen the list of proposed cases and discuss concerns they might have, while maintaining the random assignment of cases.

Finally, one key concern for several respondents was a perception that CD had attempted to retain the more difficult cases and give the “easier” cases to the private contractors. Thus, any comparison would be “comparing apples to oranges” because the caseloads are different. If in fact CD cases were randomly selected – as indicated by the SSW report -- then this may be an erroneous perception but one, nevertheless, which several respondents strongly held.

At the risk of simplifying a very complicated set of findings, several highlights can be identified:

- Respondents report either: (1) not knowing how cases were identified to be transferred to the private contractors; or (2) not believing that it was actually a random selection. Thus, some felt that the private contractors were given less complicated cases, making it easier to achieve the PBC outcomes.
- CD staff felt the transfer of cases to the private contractors was disruptive and harmful to relationships with children and families. Hopefully, the process being implemented by CD during the “rebuild” will produce a smoother and easier transfer for 2007-08.
- Private contractors are perceived as having more flexible funding and being able to provide more targeted services to families.
- Respondents in some jurisdictions noted inconsistencies in communication between CD and the private contractors, and some judges noted a lack of clarity regarding who is actually in charge of a case.
- Personnel issues continue to be a concern. This ranged from the qualifications of CD staff versus private contractor staff to policies regarding employee dismissal.
- There is insufficient data at this time to reach a conclusion regarding the impact of privatization, including whether privatization is resulting in smaller caseloads for Children’s Division and therefore, better service provision.
- There is insufficient data to determine the financial impact of private contractors on the system.

Accreditation

Closely linked to the PBC contracts is the requirement in Section 210.113 that all CD county offices, plus the Central Office and Hotline Unit, become accredited by the Council on Accreditation (COA) by August 2009. Among other requirements, COA accreditation standards include standardized caseload sizes to allow workers adequate time to work with children and families. CD is organized within the state’s 45 judicial circuits, and accreditation will be achieved circuit by circuit. Four circuits, the Central Office, and the Child Abuse Hotline Unit were reviewed and approved by COA in the first wave (FY06). Ten circuits were reviewed in the second wave (FY07). Sixteen circuits will undergo reviews in FY08; four of these have completed their reviews. The remaining 15 circuits will be reviewed in FY09, pending appropriation and the availability of funds. As of October 2007, the following circuits/counties have been accredited:

- 4th circuit (Atchison, Gentry, Holt, Nodaway, and Worth Counties)
- 6th circuit (Platte County)
- 8th circuit (Carroll and Ray Counties)
- 11th circuit (St. Charles County)
- 18th circuit (Cooper and Pettis Counties)
- 19th circuit (Cole County)
- 21st circuit (St. Louis County)
- 23rd circuit (Jefferson County)
- 29th circuit (Jasper County)
- 32nd circuit (Bollinger, Cape Girardeau, and Perry Counties)
- 33rd circuit (Mississippi and Scott Counties)
- 34th circuit (New Madrid and Pemiscot Counties)
- 35th circuit (Dunklin and Stoddard Counties)
- 44th circuit (Douglas, Ozark, and Wright Counties)

Findings

The greatest concern expressed by respondents regarding accreditation concerned the commitment of the legislature to providing the necessary funding resources to maintain the required staff levels. Circuits that have completed accreditation perceive greater job satisfaction among staff. Focus group participants and non-court respondents consistently reported three things: (1) accreditation leads to smaller caseloads; (2) it is a very rigorous and difficult process, but worth it; and (3) CD is now at the same level as private contractors who were already accredited. Overall, representatives of the court system were not aware of any issues related to accreditation. Thus, comments in this area generally fell into two categories:

- Accreditation will be positive for CD and for children and families.
- The State legislature and the Governor need to continue funding to support accreditation.

Family Support Team Meetings (FSTM)

FSTMs are considered an embedded practice for CD. However, HB 1453 issued several mandates for CD regarding FSTMs, including:

1. Requires that parents, legal counsel for parents, legal guardian for the child, GAL, CASA, and foster parents be invited to FSTMs (Section 210.145.11).
2. An FSTM must be held within 24 hours following the protective custody hearing or within 72 hours following an immediate or emergency change of placement (Section 210.762.1).
3. Information provided at any FSTM in relation to the removal of a child from the child's home must be confidential (Section 210.147.1-2).
4. Guardians ad litem (Section 210.160.2) and CASA (Section 210.160.5) are to be invited to all FSTMs.
5. Parents may videotape or audiotape FSTMs (Section 210.147.1), and parents may invite other individuals at their discretion (Section 210.145.11).
6. Following the FSTM, the convener must record (on the CS-1 form) the core commitments made by the Division to the parents of the child and other parties. Dissenting views are to be recorded.

FSTMs are convened and facilitated by the CD worker assigned to the case. CD workers receive training on FSTMs as part of the Child Welfare Basic Training. Advanced training is available upon request.

Findings

Respondents reported that the success of the FSTM is largely a function of the ability of the case worker to facilitate the meeting, and this obviously varies from worker to worker. A consistent problem mentioned by respondents is that FSTMs are frequently not held at convenient times for parents, requiring parents to take off work. It is also difficult for GALs to make it to all the FSTMs to which they are invited. In addition, focus group participants noted that it has been very expensive at the local level to provide sufficient funding for GALs to attend FSTMs, and the State has provided no additional funding. However, foster parents report that attending FSTMs is helpful in order to better assist the children. One foster parent reported that the private contractors are more flexible than is CD about when and where to hold FSTMs. Youth representatives reported that they

did not understand the purpose of the meeting, and therefore, did not verbalize their views. Respondents felt that FSTMs could help move the child to permanency, depending on the skill of the CD facilitator. Overall, respondents reported that:

- FSTMs are essential and helpful, but parents' schedules should be taken into account.
- The success of the FSTM is based almost solely on the skill of the CD worker facilitating the meeting.
- Although the FSTM is a good idea, the model is not working as intended.

Reunification Requirements

Background Checks for Family Members

Sections 210.117 and 211.038 provide that children who are taken into the custody of Children's Division may not be reunited with a parent or placed in a home when the parent or any person residing in the home has been convicted of a felony violation of Chapter 566 or 568, R.S.Mo, with some exceptions. These chapters generally cover sexual abuse of a child and other child abuse violations (such as endangering the welfare of a child). Similarly, Section 211.447.4(4) provides grounds for termination of parental rights. A conviction by a parent of a felony violation of Chapter 566 or Section 568.020, when the child or any child in the family was victim, is simply one of many factors the court must consider in determining whether parental rights should be terminated. There was no policy in place regarding criminal history prior to HB 1453. The new policy states:

The children's service worker is to determine if the parent has a known criminal history, involving any of the above stated felony convictions [detailed in the policy]. If the parent's criminal history is not known to the worker, the worker must request that a local or state law enforcement agency or juvenile officer conduct a name-based criminal history record check to include full orders of protection and outstanding warrants of each parent by using the Missouri Uniform Law Enforcement System (MULES) and the National Crime Information Center (NCIC) to initially assess whether the parent holds a criminal history. Workers should document when local law enforcement does not make such information available.

In order to facilitate this background check, the division requests all adult household members to submit fingerprints. CD has an agreement with the Missouri Highway Patrol to collect fingerprints through its contract with Identix. CD has developed a form letter to families, which advises the family to contact MOAPS (Missouri Applicant Processing Services) to schedule an appointment for fingerprinting. Two sets are obtained. Children's Division does not pay for the background checks for family members, but does pay for fingerprinting for foster parents and relatives who are going to provide foster care, both upon initial licensure and at relicensing. CD also has access to Missouri Department of Revenue records to search for an absent parent.

Preference for Relative Placement and Diligent Search

If placement with a relative is not contrary to the best interest of the child, Section 210.565 requires a preference for foster care placement with relatives of the child. In addition, Section 210.127 requires CD to conduct a diligent search for the natural parents of a child who is in the custody of the division when the parents' identity or location is unknown. The definition of *diligent search*

“includes efforts to locate or identify the natural parents of a child, initiated as soon as the Division is made aware of the existence of the parent, with progress reports at each court hearing until the parent is identified and located, or the court excuses further search.” CD staff note that a diligent search policy was in place prior to HB 1453. As a result of the law, staff members are now required to document their search efforts in the case narrative and on the CS-1. A lengthy and detailed description of how to conduct a diligent search is found in the *Child Welfare Manual*, Section 4 (Out of Home Care), Chapter 4 (Selection of Placement Resource and Placement Options), Attachment A (Locating the Non-Custodial Parent). These changes in the law came from a perception that CD underutilized kinship placements.

Further, Section 210.760.1 requires CD to notify the child’s parent or legal guardian that the child has been placed in foster care, and to work with the parents or legal guardian for the child’s return home. This required no policy changes for CD regarding parent notification.

Putative Father Registry

The Department of Health and Senior Services maintains the Putative Father Registry. In order to access the Registry, fathers can go online at www.dhss.mo.gov, and select “Birth, Death, Marriage & Divorce Information.” From there, the father can call to register, or download a brochure with an attached form. Chapter 453 of HB 1453 made several changes to the Putative Father Registry, most of which do not affect the policy or practice of either CD or the court system. However, one provision does affect adoption proceedings. Section 453.060.5 no longer requires publication on possible fathers (“John Doe”) in adoption cases. Rather, a search of the Missouri Putative Father Registry shall be conducted and if a man named as the possible father is found, service shall be carried out.

Findings

Respondents expressed some concerns with the requirement that a child cannot be returned to a household where a family member has certain felony convictions. Most said that it was a good standard, but that lack of a felony conviction in a family member does not guarantee a safe placement. It is “just one tool.” About half of the judges interviewed felt that the requirement was too absolute, and that the decision should be made on a case-by-case basis by the judge in consultation with the parties. For instance, if a child is detained for shoplifting, and the father has a specific statutory felony conviction, the child cannot be returned to the home, which may or may not be a reasonable conclusion. Other judges noted inconsistencies in application. For example, it is unclear how the statute would be interpreted for a parent with a completed suspended imposition of sentence (SIS) or how the courts or the juvenile officer are to apply convictions from other states, of offenses which are similar but not identical to listed offenses in Chapters 566 or 568.

There exists a dichotomy between Sections 210.117, 211.038, and other statutes such as Section 211.447. The termination of parental rights statute does not make a conviction for all offenses under Chapters 565 or 568 an independent ground for termination of parental rights, but rather one factor to be considered. This allows for a judicial discretion on a case-by-case basis.

Respondents were inconsistent in their responses as to whether CD is adequately conducting diligent searches. Some respondents indicated that it depends on the CD worker, rather than the

policy. It is also the case that sometimes CD cannot find family members if the child's parent does not provide names. Other respondents noted that, if a child is taken away from a family due to poor parenting behavior, the parent may have learned that behavior from *his or her* parents, so grandparents are not always a safe option for the child. However, there is a perception that HB 1453 has resulted in increased kinship placements, and in some places, this has been a "radical" change. For other respondents, this was the standard response, but HB 1453 has focused the system on inclusion of relatives in the process. Some focus group participants suggested that the standard of "contrary to the welfare of the child" makes it more difficult to reject a relative.

Respondents were widely dismissive of the Putative Father Registry, with regard to how many potential fathers register. However, there was consensus that the Registry is checked when attempting to locate a child's family members. Respondents did not indicate that it enhances permanency for children. Several respondents noted that CD does not have access to locating parents in prison. They indicated that the Registry has been helpful in reducing delays in adoption cases, but the same provision for publication does not apply to termination of parental rights cases, which would save time and money.

Under Section 210.760.2, a child cannot be removed from school for placement in foster care without a court order. There is no evidence that this was a consistent or widespread problem prior to HB 1453, or that HB 1453 has had any impact on existing practice. Respondents noted that this is not a frequent occurrence.

In summary, the data suggest the following with regard to reunification requirements under HB 1453:

- The requirement that a child cannot be returned to a household where a family member has certain felony convictions is a worthy standard, but consideration should be given to allowing the court more discretion on a case-by-case basis.
- HB 1453 has resulted in increased kinship placements, at least in some parts of the State.
- Changes in the Putative Father Registry have benefited adoption cases. Respondents suggested that similar changes be put in place for TPR cases.
- It may be helpful for CD to have an obvious link on its website to the Putative Father Registry.
- One foster parent noted that foster parents have to pay for their own fingerprinting. CD leadership should ensure that regional offices are not requiring that foster parents pay for this.

Changes Affecting Foster Parents

Background Checks

Previous CD policy required staff to conduct a child abuse/neglect (CA/N) search, fingerprint, Case.net, and Family Care Safety Registry reports for all household members over the age of 18. Section 210.487.1 now requires that CD initiate the necessary paper for these background checks during the initial at-home consultation meeting, and receive the reports prior to the final at-home consultation meeting with the family. Further, these requirements apply to all adults over the age of 17 rather than 18, and to children under the age of 17 who have been certified as an adult for the

commission of a crime. Case.net must be reviewed during relicensing of a foster or adoptive family. In addition, during foster parent licensing and relicensing, CD must obtain two sets of fingerprints for any person over the age of 17 in the applicant's household, and any child under age 17 who has been certified as an adult for the commission of a crime. One set of fingerprints is sent to the Highway Patrol to search the criminal history repository, and the second set is sent to the FBI for searching Federal criminal history files. SB 84 modified the law to provide that CD can waive the fingerprint background check requirement during recertification; however, current CD policy is to continue to require fingerprint checks at relicensure.

Section 210.487 also requires that the division conduct a search for full orders of protection for anyone seeking licensure, any adult in the household, and any person under age 17 who has been certified as an adult. Orders of protection are available through Case.net, the Missouri State Courts Automated Case Management System. All order of protection cases will appear on Case.net even if the order is no longer in effect. However, Federal law was revised in August 2007 to prohibit the display of victim's names on the internet. Case.net is not yet available statewide and some orders of protection may not be listed because they were in place prior to JIS implementation and were not converted into the new system. In these cases, the CD worker must contact the local circuit court. The foster parent applicant pays any fee charged by the circuit court. CD policy is that, except for specific felony convictions, a criminal history, child abuse/neglect history, or other review information does not automatically preclude licensure. This rarely becomes an issue, but in the event the placement is still determined to be in the best interests of the child, written approval must be obtained through supervisory lines to the Regional Office.

Performance-Based Standards and Training for Foster Parents

Section 210.542 requires CD to provide performance-based standards and training for prospective foster parents before they become licensed. These standards are equivalent to the preservice competency categories for foster parents, which have been in place since the mid-1990s and include the following five competencies:¹²

- (1) Protecting and nurturing
- (2) Meeting developmental needs and addressing developmental delays
- (3) Supporting relationships between children and their birth families
- (4) Connecting children to safe, nurturing relationships intended to last a lifetime
- (5) Working as a member of a professional team

Upon licensure, foster parents and the CD worker jointly develop a Professional Family Development Plan (CD-100 PFDP) using these standards/criteria as a guide. The purpose of the PFDP is to assess the family's training needs and their goals as professional caregivers, and is reviewed on an annual basis. Foster parents are licensed for a two-year period; at the time of relicensure, the PFDP is reviewed with the foster parent, and a new plan is made. Foster parents are

¹²Adoptive parents are expected to meet additional competencies, including: (1) Knowing how adoptive families are unique; (2) Understanding the importance of separation, loss, and grief in the adoption process; (3) Understanding attachment and its importance in the adoption process; (4) Anticipating and managing challenges as an adoptive family; and (5) Making a lifelong commitment to a child. Source: *Child Welfare Manual*, Section 6, Chapter 2, Subsection 2.

also required to attend preservice training called STARS (Specialized Training Assessment Resources And Support). STARS is based on Foster PRIDE/Adopt PRIDE developed by the Illinois Department of Children and Family Services and the Child Welfare League of America (CWLA) in collaboration with several other states including Missouri. STARS is comprised of nine sessions, each of which is three hours in length. In addition, foster parents are required to complete in-service training during the first two years of licensure, as follows:

- Professional foster/kinship: 15 hours annually
- Career foster parents: 16 hours annually
- Behavioral foster parents: 15 hours annually
- Medical care foster parents: 15 hours annually
- HIPAA (Health Insurance Portability and Accountability Act) training
- Cardio Pulmonary Resuscitation (CPR) – certification not required
- First Aid – certification not required

In order to disseminate this information to its foster parents, CD reports that the Foster Parent Handbook (Form CS-304) was updated and was given to all current foster parents, new providers as they become licensed, and is also available on the internet.

The division offers 10 STARS In-service Training Modules, which are offered at the regional level but are optional for foster parents. Foster parents may also identify other sources of in-service training, which must be approved by the CD regional director or designee. In addition, SB 25 (2007) requires CD and its contractors to provide foster parents with training that specifically addresses cultural needs of foster children, including but not limited to skin and hair care, and religious or cultural practices of the child's biological family, together with community resources for ongoing education and support. Further, SB 25 provides that the Missouri State Foster Care and the Youth Advisory Board shall determine preservice and in-service training needs for foster parents.

Notice of Hearings to Foster Parents

Section 211.171.3 of HB 1453 requires that the current foster parents, kinship placement, or preadoptive parent be provided notice of any permanency or other review hearing to be held with respect to the child. This provision responds to the Federal Adoption and Safe Families Act (AFSA) and P.L. 109-288, the Safe and Timely Interstate Placement of Foster Children Act, which require states to provide foster and preadoptive parents with notice of and an opportunity to be heard in permanency and other court review hearings. Under Federal law, CD is responsible for providing notice of hearings to foster parents. The right of the foster parent to receive notification of all hearings is addressed in the Court Clerk Handbook and the Juvenile Officer Handbook, disseminated by OSCA. In addition, the Chief Justice issued a letter in May 2007 reminding judges, juvenile officers, and family court administrators that care providers are to receive timely notice and an opportunity to be heard in hearings. In practice, the process of notification is determined at the local level. Circuit clerks are required to provide notice to all parties to the case and will notify the foster parents if contact information is provided. Sometimes the address is not provided in order to protect the child. The most efficient method is for the judge to schedule the next hearing during the current hearing, and if the foster parents are present, they are informed of the date of the next hearing.

Findings

Respondents noted that few people applying to be foster parents had orders of protection, so this was not an area of significant concern. However, one foster parent advised that the screening process at the time of relicensure was inadequate; in essence, the parents were simply separated and then asked about violence. In that situation, it would be unlikely that a woman would report that her husband is violent. Second, some of the judges questioned whether this section of the Act applies to *ex parte* orders (it does not).

There was uncertainty among respondents regarding performance-based standards. Some respondents said there is no evaluation of foster parents. Others indicated they suspected the standards were the five competencies identified in STARS. There is concern that foster parents are not aware that policy and procedures are available online. The Midwest Foster Care and Adoption Association (MFCAA) provides a listserv, but not all foster parents are connected to the internet. Clearly, CD has a policy and procedures in place to use the competencies to evaluate foster parents, although at this time no data exists on the impact of these policies on practice. In addition, without a survey of foster parents, it is unknown how well foster parents as a whole understand the competencies.

The situation with regard to training for foster parents is somewhat complex. Children's Division provides the initial preservice training. However, foster parents are required to complete the in-service hours on their own. The MCFAA and the Foster Care Coalition (St. Louis) offer training programs for foster parents. The MCFAA runs a mentoring program, food pantry, clothes closet, and respite care. The association also offers individual advocacy for foster parents who are experiencing difficulties with CD. A local chapter of the MFCAA in St. Charles County identifies training needs and sponsors training. All of this additional training is accomplished with minimal cost to foster parents, or by attempting to obtain grant funding or corporate sponsorship. Many of the trainers provide services free of charge. Respondents recognized that the lack of training available through CD was a function of lack of State funding, but expressed frustration at having to meet performance standards requiring training, while having to organize and fund the training themselves.

In addition, foster parents reported concern that there is no required training for handling medications, and many children are on prescribed medication. There is sometimes a delay in updating records when a child is moved from one foster placement to another, which hinders the ability of the new foster parents to obtain the child's medications. Also, there is no record of medications that have been tried and rejected that can be passed from one placement to the next. However, under the consent decree, Jackson County Children's Division is required to have a nurse case manager who tracks children who have psychotropic medications or ongoing health concerns.

Finally, with regard to notice of hearings, judges are very pleased when foster parents attend hearings, and noted that the number of foster parents attending hearings seems to have increased. The Task Force's concern is that some respondents reported that notice of hearing is provided by courts in some jurisdictions while others report that the CD worker notifies the foster parents. This unwanted inconsistency is likely due to the fact that this process is determined at the local level.

Therefore, with regard to changes related to foster parents, the findings included the following:

- There is uncertainty regarding performance-based standards, although some respondents were correct in suspecting that CD uses the competencies as these standards.
- However, there is a sense that foster parent performance is not evaluated.
- Training is an ongoing concern due to the lack of funding for CD to provide in-service training to help foster parents meet the required training hours.

Home Schooling Violations

Section 211.031.4 provides that, if the only basis for action involves a violation of Section 167.031 regarding compulsory school attendance, the Juvenile Officer must contact the parent(s) of the child to verify that the child is being home schooled. Any subsequent report of a violation of Section 167.031 must be referred to the county prosecuting attorney.

Court Reforms

Time Frames

The most significant change for the court system was Section 211.032, which mandates time frames for hearings. These time frames were in part a response to public perception that long periods elapsed between the removal of the child from the home and the initial appearance before a judge. In addition, the CIP operating in some parts of the State included time frame mandates. Supreme Court Rule 119.01 establishes the time frames, as follows. If a child is in protective custody, court hearings on the case must be held: (1) within three business days of the date the child is taken into protective custody, (2) an adjudication hearing within 60 days, (3) a dispositional hearing within 90 days, (4) a review hearing every 90-120 days the first year, (5) a permanency hearing at 12 months, and (6) a post-permanency review every six months thereafter for as long as the juvenile remains in CD custody. Court Operating Rule (COR) 23.01 requires that OSCA report on the timeliness of all hearings quarterly to the Supreme Court and the Commission on Retirement, Removal and Discipline, beginning FY06. These reports include the reason for hearing delay. For FY06, three circuits met 100% of all required time frames. Fifteen circuits held at least 95% of the hearings within required time frames. The most frequent reasons for the delay were unavailable court date (36%), other (35.8%), and unavailable counsel/GAL (15.1%). The Missouri Supreme Court has implemented Permanency Awards for circuits that rank among the top two in their size class based on the total number of hearings that were due during the fiscal year. For FY06, the following circuits received a Permanency Award: 2, 4, 6, 16, 23, 25, 26, and 44. FY07 recipients included circuits 2, 4, 5, 8, 16, 21, 25, 26, 30, and 36.

In addition, SB 84 (2007) requires the juvenile officer or the juvenile division of the circuit court to file a petition for the termination of parental rights within 60 days of the judicial determination that the child is an abandoned infant or that CD is not required to make reasonable efforts to reunify the family because the parent has committed an identified crime.

Open Hearings and Open Records

HB 1453 impacted several issues related to court hearings in CA/N cases. Notification to foster parents of hearings is discussed above under changes related to foster parents. Section 211.319.1 requires that all juvenile court proceedings related to termination of parental rights cases shall be

open to the public, although the court retains discretion to close a proceeding “to protect the welfare and best interests of the child and for exceptional circumstances.” However, the public is excluded during the testimony of any child/victim (Section 211.319.2).

Section 211.319.3 requires that all pleadings and orders of the court, other than confidential files and those specifically ordered by the judge, be open to the general public.

Findings

All jurisdictions in the State have implemented the time frames mandated by HB 1453. Both judges and OSCA staff commented on the fact that there was no preparation time for implementing the time frames; however, a number of circuits were already implementing time frames as part of the CIP. Respondents whose jurisdictions had received an award mentioned the Supreme Court Permanency Awards with pride. A consistent theme emerged that it is important and in the best interests of the child to move these cases through quickly, and that the time frames have put pressure on both the courts and CD to do so. However, respondents mentioned several ongoing concerns related to these time frames, including:

- One circuit judge serving several jurisdictions can create delays.
- Lack of legal representation for the parents can create delays.
- Inability to locate both parents, particularly when a parent is incarcerated, can create delays.
- Difficulty with gathering the necessary evidence within the time frame can result in dismissal and re-filing of the case.

The lack of adequate representation for the parents was a frequently-cited reason for not meeting the time frames. Particularly in rural areas, this may be due to lack of financial resources to support legal representation. The other issue for some jurisdictions had to do with reporting to OSCA. Respondents mentioned that if a hearing is late by three days, it is reported as untimely, even if the hearing is then held within 14 days. Also, continuance for lack of legal representation for the parents should be considered an “acceptable” reason for delay under the reporting requirements.

No respondents indicated the provision for open juvenile court hearings has had any significant impact, although some respondents perceived that more relatives were attending hearings. They suggested that when relatives attend a hearing, understand the accusations against the parents, and listen to the evidence rather than hearing just the parents’ perspective, there is less misunderstanding of the situation in the family. This change is also perceived as increasing “accountability” and “transparency.”

In summary,

- Most respondents felt the time frames should remain, but that there should be exceptions to the reporting requirements.

Summary of Public Comments

The comments submitted to the website reflected some key themes, which were generally supported by the data from other sources. Several comments were posted by foster parents and reflected their frustration in their role. In particular, they noted the challenges of providing quality care on the limited pay the state provides. Some suggested that foster parenting should be given amenities of full-time employment, such as healthcare benefits. Also, some foster parents reported that CD does not always treat foster parents as “team members” and keep them abreast of relevant updates or valuing their input. There was a sense of helplessness as CD and/or the courts made decisions affecting the children that the foster parents did not regard as being in the best interests of the children. Some respondents also questioned whether the requirement to seek relatives as a first placement option was in the children’s best interest. As one pointed out, some abusive parents came from disorganized homes and were abused as children. Hence, the grandparents may not be a safe placement. Also, it was noted that relatives may not enforce CD conditions regarding when the parent can visit with a child, or supervise the visits properly.

A couple of issues produced mixed responses. The VPAs were described as beneficial in many ways, yet other respondents noted these were ineffective, and while perhaps good in concept, were not implemented effectively. Similarly, some stakeholders were pleased with the quality of privatized services while others noted these services were inadequate. It is likely these comments reflected variations in how the VPAs are used in different counties, and the quality of private services in the different communities represented. It may be useful at some point to examine implementation in those communities in which these kinds of services (both the mental health placement resources used under VPAs and private case managers) are viewed favorably and identify features associated with success, or at least perceptions of effectiveness.

Finally, many respondents pointed out that in order for the statutory changes to have a meaningful impact on the safety of children, other long-standing systemic problems with CD must be addressed. This included low pay for workers, large caseloads, extensive paperwork requirements, and worker turnover.

Recommendations

In light of the findings in this report, the Task Force offers the following recommendations:

1. The Task Force encourages the Office of Child Advocate to enhance its visibility through increased contact with Children’s Division staff, the judiciary, and the public. In addition, it is recommended that links from the Department of Social Services website to the Office of Child Advocate website be made more visible for easier access by the public.
2. The Task Force recommends that the Office of Child Advocate explore relationships with counterparts in other states to determine whether there is an adaptable administrative review process for cases in which the Office of Child Advocate disagrees with the outcome of a case or determines that critical issues in the case remain unresolved.
3. In addition, the Task Force recommends that the legislature commit to maintaining adequate funding of the Office of Child Advocate, which has shown a decrease in funding since its inception.

4. The Task Force heard evidence of ongoing problems related to continuity of education for children in care as result of change of placement. This is an issue requiring further examination. In addition, the Task Force recommends that the Department of Education, Children's Division, and the courts establish a commission or working group to investigate protocols and policies, and if necessary, legislation, to ensure continuity of education for children in care of the State.
5. The increase in the standard of proof in child abuse and neglect cases from probable cause to preponderance of the evidence has dramatically affected the daily work of Children's Division staff. However, it is unclear whether this increase has put children at risk, which is of ongoing concern to the Task Force. Therefore, the Task Force recommends that a longitudinal study be conducted to track the outcomes of hotline calls and other quantitative data to assess whether this heightened standard is placing children at risk and is contrary to the best interests of the child.
6. Given the concerns expressed by respondents regarding the structure and process of accessing the Voluntary Placement Agreements (VPAs), the Task Force recommends the following:
 - a. That Department of Mental Health, as the clinical branch, and Children's Division, as the administrative branch, identify a liaison who will work toward improving access to mental health services, particularly for children who are self-medicating (substance abuse) due to untreated mental health illness.
 - b. Children's Division should provide further clarification and training to staff regarding when the VPA is appropriate and the process for accessing the VPA.
 - c. The Task Force recommends that VPA s should be used in cases where the court has jurisdiction over the child, including delinquency and status offenses. Further, that in cases where the court retains jurisdiction, the court approves the implementation and execution of the treatment plan to ensure that services requested are provided in order to protect the child and to protect the community, if necessary.
7. The findings of the Task Force suggest that there is a lack of clarity regarding contacting self-identified hotline callers. Children's Division should review, update, and ensure implementation of the policy related to notifying self-identified reporters of the disposition of a case, as well as referring the matter to the Office of Child Advocate.
8. The Task Force recommends that Children's Division review hotline protocols particularly when there are allegations of sexual abuse to ensure that these calls are prioritized regardless of whether or not the call originates from an anonymous or mandated reporter.
9. The Task Force believes it is premature to make conclusions regarding the impact of privatization on services offered to children. In addition, although this was not the stated purpose of the law, it is unknown whether privatization is a more cost effective means of delivering such services. The Task Force recommends that Children's Division begin to collect data on the monetary costs of offering services through private service providers compared to services under the existing system. Further, the Task Force recommends that Children's Division implement a research program to collect data related to the effects of identified outcomes on children to ascertain whether privatization is in the best interests of the children of Missouri.

10. While accreditation is proceeding as scheduled and appears to be having a positive impact on Children's Division, the Task Force recommends that the Governor and the legislature continue to provide funding to support accreditation and other components of the child welfare system.
11. Respondents raised several concerns with implementation of the Family Support Team Meetings. The Task Force recommends that Children's Division explore options and feasibility of other models of facilitating such meetings, including the use of trained facilitators or mediators, contracted personnel, or volunteers. For example, the State of Georgia uses a facilitator model for its family team meetings. This method would standardize skills for Family Support Team Meeting facilitators as well as give Children's Division staff more time to coordinate services for the family. In addition, use of a facilitator will help ensure neutrality of the facilitation process. Youth should be informed as to the purpose of these meeting, the importance of their role, and should be made to feel included.
12. The Task Force recommends that Sections 210.117 and 211.038 be revised to allow for judicial discretion to consider the specific offenses set forth in Chapter 566 and 568 as one or more of the grounds, and guidance in whether or not to reunite the child with a parent, as each case should be decided in the best interest of the child on the specific facts of that case alone.
13. Foster parents expressed concern not related to HB 1453 regarding the lack of respite care. As defined by Children's Division, respite care is the "provision of periodic and/or intermittent, temporary substitute care of children who are in the care and custody of the [Children's Division]...It is designed to provide relief from the stresses of the constant responsibilities of providing out-of-home care." Foster parents are responsible for locating potential respite care providers, who are then approved by Children's Division. This sometimes discourages families from becoming foster parents, thus increasing the burden on the existing foster parent resources, and limiting the geographic areas in which children can be placed. The Task Force recommends that Children's Division look into ways to increase recruitment of respite care providers in order to provide this important service to foster parents in Missouri.
14. The Task Force recommends that Children's Division receive adequate funding in order to provide ongoing in-service training for foster parents.

Conclusion

Overall, it is fair to say that HB 1453 has been broadly implemented, and for the most part, appears to be having a positive effect on children and families. Staff at Children's Division, in the court system, and foster parents are to be commended for substantial and ongoing efforts to implement HB 1453, together with the other initiatives and projects designed to ultimately benefit children and families in Missouri. CD staff has been called upon to implement several new practices. Privatization has required considerable effort to develop and track outcomes, implement funding structures, and develop methods to bring problems and concerns to the surface sooner rather than later. As with any large social experiment, privatization has both its supporters and detractors. To date, however, there do not appear major systemic problems with privatization, although there are some local issues.

There are, however, some specific areas of concern. One is the perception by foster parents (and others) that they are undervalued, as witnessed by the issues related to training, lack of respite care, low pay for their services, failure to notify, and generally not being “part of the team.” These are, in part, cultural issues that could be addressed by CD and the court. Some of the concerns raised by respondents are systemic, entrenched problems that HB 1453 cannot address. Lack of foster parents and lack of incentive to become a foster parent is a persistent problem. Respondents mentioned a desire for more prevention and status offender programs. Medical care is not well coordinated, whether it be the transfer of medication prescriptions, dental care, or mental health services. Substance abuse treatment services are not sufficiently funded. Bureaucratic regulations that force children to move from school to school, resulting in delays in school attendance, are a major concern in some areas of the State. Several respondents also noted that services are inadequate for children as they age-out of the system; for example, there may be no one to co-sign for an apartment. All respondents suggested that the State does not provide sufficient funding for the many services needed to ensure a safe and healthy environment for every child. One respondent put it this way:

We ignore the fact that they [children in care] should receive every benefit that we would have for our own children. They deserve to go to prom, to have a driver’s license. We should ensure financially that that happens. They’re already different enough, and that just makes them more different.

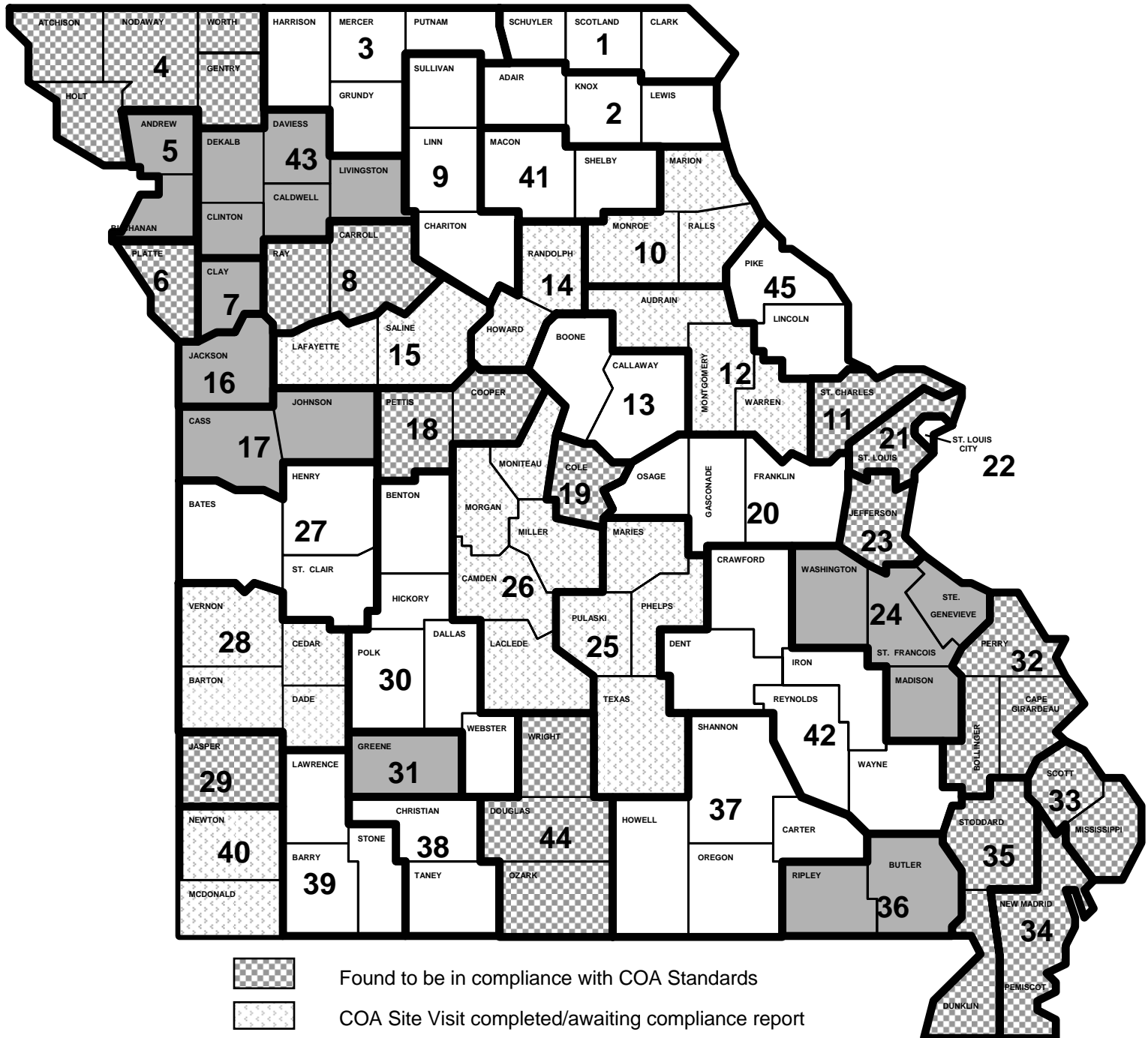
THE TASK FORCE WISHES TO ACKNOWLEDGE AND THANK THE CONSULTANTS, JANICE HILL AND JEANIE THIES, FOR THEIR CONTRIBUTIONS AND INVALUABLE ASSISTANCE IN THE PREPARATION OF THIS REPORT.

APPENDICES

Appendix A

Missouri's 45 Judicial Circuits

Accreditation Progress



APPENDIX B: SYSTEM RESPONSE TO HB 1453

NOTE: You must have Internet access in order to review the Child Welfare Manual and attachments (underlined).

Title/subject	HB1453 Chapter	Changes in Law	Children's Division response	OSCA response
Office of Child Advocate	37.700 – 37.710	<p>Establishes Office of Child Advocate within the Office of Administration.</p> <p>Allows the Office of Child Advocate to have access to specified information about children in protective custody, reports of child abuse and neglect, and records concerning protective services for children.</p>	<p>CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement</u>.</p> <p>See <u>Child Welfare Manual Section 5.2 Attachment B</u> regarding record access by OCA.</p> <p>See <u>Child Welfare Manual Section 2.4 Attachment D</u> regarding notifying reporters about right to request referral of unsubstantiated cases to OCA.</p> <p>Regular meetings are held between CD and Office of Child Advocate. They attend and present to Executive Staff.</p>	Not applicable.
Adoption tax credits	135.327	<p>As of 7/1/04, 50% of tax credits allowed shall be for special needs children who are residents of Missouri at the time the adoption is initiated.</p> <p>Director of Revenue to establish procedures for equitable distribution of tax credit.</p>	<p>CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement</u>.</p> <p>See <u>Child Welfare Manual Section 4.30 Attachment F</u>.</p> <p>The Missouri Department of Revenue oversees requirements related to Adoption Tax Credits.</p>	Not applicable.

Homeless child or youth	167.020	<p>Modifies the term “homeless youth or child” to include children and youth under 21 in certain circumstances.</p> <p>Adds the word “youth” to statute.</p>	<p>CD policy was updated with Memorandum <u>CD04-79</u>.</p> <p>See <u>Child Welfare Manual Glossary</u>: updated to include the term ‘Homeless Child or Youth’.</p> <p>New policy was developed on how CD will provide for permanency needs of older youth, which counteracts the problem of homeless youth. See <u>Child Welfare Manual Section 4.21.8</u>. Chafee services are provided for former foster youth. Also, CD can retain custody of a child to the age of 21 in order to provide services, such as permanency training, Transitional Living Program, and Independent Living arrangements.</p>	<p>With regards to permanency of older youth, the IV-E requirement to consult with the child on the permanency plan has been included in the standardized court reports which were distributed statewide on July 9, 2007. These reports are optional and intended to serve as guidance to the courts. This will also be discussed in the regional training on older youth, which will be provided in November 2007. A federal interpretation of “consult” was recently provided. The Family Court Committee approved the statewide distribution of such at their meeting on 9/14/07.</p>
School district and background checks	168.283	Requires persons employed by a school after 1/1/05 who are authorized to have contact with children to have a criminal background check completed before having contact with children.	BSIU helps in this. School Districts conduct child abuse/ neglect screenings on their new hires and those requests are processed by BSIU. Many districts also do ca/n screenings on parent volunteers or anyone involved with the children in their school.	Not applicable.
Shaken baby video	191.748	Requires all hospitals and health care facilities providing OB services to offer to all new parents and others to watch a video on shaken baby syndrome. Video approved by DHSS.	Children’s Trust Fund and CD have distributed brochures and videos on Shaken Baby.	Not applicable.

Putative Father Registry and Adoption Consent	192.016	Lack of knowledge of pregnancy does not excuse failure to timely file with putative father registry.	CD policy was updated with Memorandum <u>CD04-79</u> . See <u>Policy Impact Statement</u> . Pamphlet CSE-6 describing the putative father registry is available to clients. Fathers can register by calling 573-526-1537.	Covered in the Comprehensive Child Welfare Regional Trainings. Family Court Committee provided comments to Bureau of Vital Statistics on a pamphlet on the Putative Father Registry, including information on parental rights and responsibilities.
Joint operation of county offices	207.060	Requires CD and FSD to jointly operate and maintain an office in each county. Division directors may enter into agreements with any political subdivisions. Adds FSD and CD employees shall be employed with respect to population and conditions and purpose to be accomplished.	CD and FSD comply with this requirement.	Not applicable.

Children's Division employee dismissal	207.085	<p>Employees of CD, including supervisory personnel and private contractors, who are involved with child protective services and who purposely, knowingly, and willingly violate a policy, rule, or state law that is related to the child abuse/neglect activities of the Division must be dismissed if the violation results in serious physical injury or death. Applicable to merit and non-merit employees.</p> <p>Caseload size in excess of standards established by COA will be a mitigating factor in determining dismissal.</p>	<p>CD policy was updated with Memorandum <u>CD04-79</u>.</p> <p>HRC Administrative Manual was updated with this requirement: see policy at: http://dssweb/dpl/adman/POLICIES/2-501.pdf</p> <p>Section 207.085 RSMo is quoted in the section 2.3.8 of the case management contract.</p>	Not applicable.
Children with special healthcare needs	208.647	Children with special health care needs that would result in death or serious injury if not treated are not required to meet the six month uninsured requirement to participate in the CHIP program.	<p>FSD issued policy memorandum <u>IM-067</u> on <u>07/13/04</u> to implement this requirement. Information on the special health care needs exception in 208.647 was added to the following sections of the FSD policy manual: <u>0920.020.05</u>, <u>0920.020.05.15</u>, <u>0920.020.05.20</u>, <u>0920.020.10.15</u>, <u>0920.020.15</u>, <u>0920.020.30</u>, <u>0920.030.00</u>, <u>0920.030.10</u> .</p>	Not applicable.

Standard of evidence	210 210.025 210.110 210.152 210.153 210.183 210.903	Changes standard of evidence to “preponderance of evidence” as of effective date of bill.	<p>The standard of proof for child abuse/neglect investigations was changed from probable cause to preponderance of the evidence, referenced throughout chapter 210. CD policy was updated with Memorandum <u>CD04-79</u>.</p> <p>See <u>Policy Impact Statement</u>.</p> <p>The following Child Welfare Manual Sections were revised with this new requirement: <u>2.4</u>; <u>2.4 Attachment D</u>, <u>2.4 Attachment E</u>, <u>2.4 Attachment L</u> (defines preponderance of evidence), <u>2.4 Attachment N</u>; <u>2.5</u>; <u>3.1</u>; <u>3.2</u>; <u>3.3</u>; <u>3.8</u>; <u>5.1</u>; <u>5.2</u>; <u>5.4</u>; <u>6.3 Attachment A</u>; <u>7.10</u>; <u>7.16</u>; <u>7.28</u>; <u>7.29</u>; <u>7.30</u>; <u>7.31</u>; <u>Glossary</u></p>	<p>Preponderance of the evidence was discussed at the Comprehensive Child Welfare Conference held in the Spring 2005. Training participants included court personnel and the Children’s Division.</p> <p>Through the court improvement grants, OSCA provides funding for local multidisciplinary training. St. Louis County provided training on a unified approach to child abuse/neglect investigation, protection and treatment which included a segment on the standard of proof before removal of a child is to occur.</p> <p>Standards of proof are also found in the Juvenile Officer handbook.</p>
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Child care services	210.025	<p>Regarding background checks for persons receiving federal or state funds for childcare, changing the age of individuals needing background check to over age 17.</p> <p>Upon initial application, requires fingerprints on any person over age 17. Inquiry required about children under 17 who have been certified as an adult and convicted or pled no contest to a crime. Application to be denied if any of the above have a substantiated finding. Applicant can offer mitigating circumstances regarding findings. If an applicant is denied funding for a person over age 17, the applicant shall not apply for such funds until such person is no longer living in the home.</p>	<p>Office of Early Childhood completes a background screening on anyone in the registered provider's home who is 17 years of age or older. See link to memo changing policy: <u>Office of Early Childhood Memorandum OEC-04-07</u>.</p>	Not applicable.
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Coordinating Board for Early Childhood	210.102	<p>Establishes within the children's Services Commission, the Coordinating Board for Early Childhood and details membership. Board to make all rules it deems necessary and members to serve without compensation. Establishes the powers of the Board. Specifies monies appropriated by the general assembly, and any remaining money at end of biennium shall not revert to the general revenue fund.</p>	<p>The Board was created and Governor Blunt completed the appointments to the Board around the first of this year. To date they have met 4 or 5 times. The website for the Board is not completed, but it does list the members.</p> <p>http://www.gov.mo.gov/boards/cgi/boards.cgi?FUNCTION=MAIN&BOARD=CHILDHOOD</p> <p>Board chairs are Karen Bartz from Hallmark and Judge Frawley from St. Louis.</p>	Not applicable.
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Voluntary placement agreement (VPA)	210.108	Defines VPA as written agreement between DSS and a parent of a child 17 or younger solely in need of mental health treatment, and authorizes DSS to administer the placement and care of child while parent retains legal custody. DSS may enter into cooperative agreement with DMH. Any function deleted from DSS to DMH shall be administered and supervised by DSS to ensure compliance with fed and state law. DSS and DMH shall promulgate rules under this section.	<p>CD policy was updated with Memorandums <u>CD04-83</u> and <u>CD05-05</u>.</p> <p>See <u>Child Welfare Manual Section 4, Chapter 24</u>. Procedure is in place.</p> <p>Protocols at the Child Abuse/Neglect Hotline Unit cover this by classifying the pure "voluntary placement agreement" cases as a Referral, not a CA/N Investigation.</p> <p>CD tracks these cases in their Alternative Care Tracking System with a unique code.</p>	Not applicable.
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Child protection system	210.109	<p>Changes language to Children's Division.</p> <p>Reports of CA/N made by mandated reporters may not be made anonymously provided that the reporter be informed that reporter information be held as confidential. All other reporters may remain anonymous.</p> <p>CD is required to contract for the provision of children's services whenever possible. The state is to be the sole provider of child abuse and neglect hotline services, initial CA/N investigations and family assessments. CD shall attempt to seek input from child welfare service providers in completing the initial family assessment. The state is also responsible for the CD's representation to the court for children in custody of CD, but can contract for such services.</p> <p>All children's service providers are subject to criminal background checks</p>	<p>CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement</u>.</p> <p>Protocols at the CA/N Hotline Unit assure compliance. On the Entry portion of the hotline interview, if a reporter who wants to remain anonymous is identified as mandated (by their relationship to the child or by their occupation), the hotline worker states the following: "If you are a mandated reporter, by law, you must leave your name, but your name and any personally identifiable information shall be held confidential."</p> <p>Background checks are a requirement of the PBC contracts.</p> <p>Annual Report to the General Assembly on Contracted Case Management of Child Welfare Cases is available.</p>	Not applicable.
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Child protection system	210.110	Adds terms “children’s Service providers and agencies,” “family support team meeting,” “preponderance of evidence.” Changes standard in the definition of central registry from Probable Cause to Preponderance of Evidence, as of effective date of bill. Requires names of individuals placed on central registry before effective date of bill to remain on registry for duration of time required in section 210.152.	Policy/memo, training changes	Not applicable.
Report to General Assembly	210.111	Requires CD to identify all children in its custody who are receiving foster care services by 1/1/05, and report to the General Assembly the type of foster care being provided and the status of all children. Does not require disclosure of identity or location of child.	Report is provided annually.	Not applicable.

<p>Foster care and child protection and welfare system</p> <p>Privatization</p>	210.112	<p>Requires DSS to implement a foster care and child protection system subject to principles including: safety and welfare of children is paramount; providers of direct services will be evaluated consistently; services to be provided timely; providers of direct services have appropriate training to provide quality services consistent with federal standards but not less than standards of the Children's Division.</p> <p>Division to enter into and implement contracts for child welfare services, beginning 7/1/05. Specifies what contracts must require (requirements of providers, contracts subject to oversight and shall be consistent with CD policy as of 1/1/04, incentives, minimum that case plan must include, etc.)</p> <p>CD shall direct efforts to geographical areas including Greene County.</p> <p>CD must submit</p>	<p>Mission/Vision Statements, <u>philosophy</u>, Program Improvement Plan (<u>PIP</u>) issued February 2005, COA, <u>CD06-41</u></p> <p>PBC (Performance Based Case Management) contract contains this language, and requires them to follow State and Federal law. Reports are provided.</p>	Not applicable.
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Accreditation	210.113	Establishes the goal of obtaining accreditation within 5 years of the effective date.	<p>CD policy was updated with Memorandum <u>CD 04-53</u>/ Child Welfare Manual Policy initiated requirements of this Chapter. Much activity has been done, and the State has made significant progress on achieving accreditation.</p> <p>Implemented COA via administrative rule 13CSR35-50.010.</p> <p>Accreditation progress map is available.</p>	Not applicable.
Reunification requirements	210.117	Children who are taken into custody of the State may not be reunited with a parent or placed in the home when the parent or any person residing in the home has been convicted of certain felony offenses in Chapters 566 or 568.	<p>CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement</u>.</p> <p>See Child Welfare Manual Sections: <u>4.9.4</u> Guidelines for Placement Decision Making for Permanency Planning <u>4.10.1</u> Legal Basis regarding placement and permanency <u>4.10.3</u> Factors to consider in reunification <u>4.10.10</u> Recommending Reunification</p>	<p>Background checks are conducted by CD. These statutes are highlighted in the Juvenile Officer handbook.</p> <p>Addressed at the Comprehensive Child Welfare Conference held in the Spring 2005 and through the legislative VTCs.</p>
Diligent search	210.127	<p>Requires CD to conduct a diligent search for the natural parents of a child who is in the custody of CD when the parent's identity or location is unknown.</p> <p>Defines "diligent search."</p>	<p>CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement</u>.</p> <p>See <u>Child Welfare Manual Section 4.4 Attachment A</u> regarding locating the absent parent. See <u>Child Welfare Manual Glossary</u> for definition of diligent search.</p> <p>DOR contract</p>	The Family Court Committee worked with the Bureau of Vital Records on the Putative Father Registry and with the Family Support Division on the Federal Parent Locate Services, and information was distributed to judges and juvenile officers. FPLS information can be found on OSCA intranet. Adoption issues related to the putative father were addressed at the Comprehensive Child Welfare Conference held in the Spring 2005.

Protocols	210.145	<p>CD shall develop protocols giving priority to ensuring child well-being & safety; promoting preservation/reunification of children & families, & providing due process for those accused of CA/N, & maintain information system at all times.</p> <p>CD must use structured decision making (SDM) protocols for classifying reports at the hotline. Reports must be initiated in 24 hours, classifying based on risk or injury to child.</p> <p>CD to promulgate rules re: SDM.</p> <p>Reports that merit investigation, will immediately be sent to local office.</p> <p>Reports of Investigations or Family Assessment will be initiated according to SDM protocols.</p> <p>CD may not meet with child at any school or childcare where the abuse of the child occurred.</p> <p>Parent, legal counsel,</p>	<p>210.145.5: CD policy was updated with Memorandum <u>CD04-69</u> -----</p> <p>210.145.11: CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement (FSTM invitees)</u>.</p> <p>See Child Welfare Manual Sections: <u>4.7.2.1</u> regarding composition of the family support team meeting <u>4.9.7.1</u> for ASFA (Adoption & Safe Families Act) policy -----</p> <p>210.145.15: CD policy updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement (mandated reporters)</u>;</p> <p>See Child Welfare Manual Sections: <u>5.2.1</u> record access <u>2.4 Attachment D</u> reporter contact New Form CS-21B (Notification Letter to Mandated Reporters)</p> <p><u>5.2 Attachment B</u> Office of Child Advocate policy <u>2.4 Attachment D</u> reporter contact</p>	<p>The Court Clerk handbook notes in several sections that a GAL must be appointed in all child abuse/neglect cases. This is also noted in the Juvenile Officer handbook.</p>
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Family support team meetings	210.147	<p>All info provided at a meeting or hearing related to removal of child is confidential. Permits video/audio taping of FSTM. If individual does not agree to confidentiality, the individual may be excluded from meeting or hearing, except when they're testifying.</p> <p>CD shall develop form to be signed at end of FSTM held in relation to child removed from the home that reflects the core commitments made by CD, parents or other party. Content of form to be consistent with service agreements or case plans. Dissenting views shall be recorded on such form. Parents and other parties provided copy of signed form.</p>	<p>CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement</u>.</p> <p>You may access the CS-1 on the CD E-Form website at: http://www.dss.mo.gov/cd/info/forms/index.htm</p>	Not applicable.
Confidentiality of reports	210.150	Adds a court conducting child custody proceedings to a person who can receive substantiated reports.	<p>CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement</u>.</p> <p><u>See Child Welfare Manual Section 5.2.1.</u></p>	Not applicable.

Record retention	210.152	Reduces time CD must keep an unsubstantiated report of CA/N made by a mandated reporter from 10 to 5 years. Changes language to Preponderance of Evidence with effective date of bill.	CD policy was updated with Memorandum <u>CD04-79</u> . See <u>Policy Impact Statement</u> . See <u>Expungement schedule</u> in Child Welfare Manual.	Not applicable.
Guardian ad litem appointment	210.160	Upon appointment by the court to a case, GAL is to be informed of and have the right to attend any and all FSTMs involving the child. Non-attorney CASAs shall not provide legal representation.	CD policy was updated with Memorandum <u>CD04-79</u> . See <u>Policy Impact Statement</u> . See <u>Child Welfare Manual Section 4.7.2.1</u> regarding who must be invited to Family Support Team Meetings. See <u>Child Welfare Manual Section 4.9.7.2</u> on the requirement for Permanency Planning Review Team meetings.	Addressed at the Comprehensive Child Welfare Conference held in the Spring 2005.
Notice to alleged perpetrator	210.183	Changes language to POE	Change to Form CS-21 (Report Disposition Letter) and Letter is sent by certified mail	Not applicable.
Task Force on Children's Justice	210.187	Provisions for Task Force are specified in this section.	Missouri Task Force on Children's Justice has been established and functions according to HB 1453 and CAPTA.	Judges serve on this Task Force, which is co-chaired by a judge.
Report to General Assembly by DSS	210.188	Annual statistical report is to be provided by General Assembly by DSS of children receiving child protective services beginning 2/1/06 and each Feb. thereafter, and provides what the report must contain.	Annual report is provided: The information is specified within the Department's Budget Book.	Judges serve on this Task Force, which is co-chaired by a judge.

Child care facility exemption	210.201	Facilities that are exempt from licensure are required to submit annual document to the Dept to verify their exempt status.	DHSS Section for Child Care Regulation has revised their procedures and is responsible for tracking this requirement.	Not applicable.
Child care facility exemption	210.211	Specifies that grants to parents of childcare are not construed to be funds received by a person or facility providing care to four or fewer children, or by a religious organization.	This wasn't really a change just a clarification. It was already policy. Neither a provider caring for 4 or fewer children or a child care program operated by a religious organization are required to be licensed to receive child care subsidy.	Not applicable.

Emergency placement and background checks	210.482	<p>Details procedures in case of emergency placement of a child in a private home due to unexpected absence of parent, including Name Based CA/N and criminal background checks on persons over the age of 17 in the home, and anyone under age 17 to see if they are certified as an adult or pled no contest to any crime.</p> <p>After name based search, all persons in home must submit to two sets of fingerprints and fees for a more extensive background check, with exceptions listed.</p> <p>Any child placed in home will be moved immediately when any person fails to provides fingerprints as requested.</p> <p>If placement denied based on name search, fingerprints must be provided in 15 days.</p> <p>Cost of fingerprints may be paid by State.</p> <p>Defines Emergency Placement</p>	<p>CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement</u>.</p> <p>See <u>Child Welfare Manual Section 4.12.3</u> regarding emergency placement background checks procedures. See <u>Child Welfare Manual Section 4.12.3.1</u> regarding the licensure process.</p> <p>CD has an interagency agreement with the Highway Patrol for fingerprinting.</p>	Not applicable.
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Foster parent licensing	210.487	<p>Requires CD to conduct search for full orders of protection on anyone seeking licensure, or any adult in household, including two sets of fingerprints and CA/N checks on all adults in home or under 17 who have been certified as adults.</p> <p>Subject to appropriation, the total cost may be paid by the State.</p> <p>Division may make arrangements with other executive agencies to obtain any investigative background check.</p> <p>Division may promulgate rules as necessary.</p>	<p>CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement</u>.</p> <p>See Child Welfare Manual Sections: <u>6.2.2.1</u> and <u>6.2.2.3</u> Resource provider training policy – working with prospective foster/adopt parents <u>6.3.1</u> foster/kinship family assessment policy <u>6.3.4</u> dual licensing policy (childcare homes as kinship homes) <u>6.3 Attachment A</u> guidelines on completing foster/kinship family assessments <u>6.3 Attachment C</u> foster/kinship assessment recording outline <u>6.3 Attachment D</u> guide for conducting renewal assessment <u>6.3 Attachment E</u> renewal assessment recording outline <u>6.3 Attachment H</u> guide for conducting adoptive family assessments <u>6.3 Attachment I</u> adoptive family assessment recording outline</p> <p>Administrative Rules were promulgated under the Code of State Regulations.</p> <p>CD has an interagency with the Missouri Highway Patrol agreement for fingerprinting.</p>	Not applicable.
Waivers	210.535	Requires DSS to seek title IV-E waivers from DHSS. Also requires the Department to take the necessary steps to qualify the state for any federal block grant money available for foster care and adoption assistance.	The Department did an assessment, and DSS maximizes Federal participation. Waiver was more limiting, and would have disqualified individuals who are otherwise required to receive services by law.	Not applicable.

Foster parent licensing standards	210.542	<p>Requires CD to provide standards and training for prospective foster parents before they become licensed.</p> <p>Division shall provide performance based criteria for licensed foster parents. Frequency may be established by rule.</p>	<p>CD policy was updated with Memorandum <u>CD04-79</u>. Administrative rules promulgated under the Code of State Regulations. Foster Parent Handbook (Form CS-304) was updated and was given to all current providers, all new providers as they become licensed, and is also available on the internet. Stars for Caregiver training guide was revised with updated curriculum. Providers are required to have annual in-service training. Is also a requirement of the PIP (Performance Improvement Plan). <u>Policy Impact Statement</u>.</p> <p>Administrative Rules were promulgated under the Code of State Regulations.</p> <p>Continued policy revisions with the following memorandums: <u>CD06-29</u>; <u>CD06-37</u>; <u>CD06-46</u>; <u>CD06-49</u>; <u>CD06-60</u>; <u>CD06-69</u>; <u>CD06-81</u>; <u>CD07-02</u></p> <p>You may access the CD-100 on the CD E-Form website at: http://www.dss.mo.gov/cd/info/forms/index.htm</p>	Not applicable.
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Preference for placement with relatives	210.565	<p>Requires DSS to place a child with relatives if the court has determined that relative placement is not contrary to best interest of child.</p> <p>Specifies that the age of a relative may not be the only factor considered in determining whether to place the child with that relative.</p> <p>Requires CD to comply with the Federal Indian Child Welfare Act in placing Native American children.</p>	<p>CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement</u>.</p> <p>See Child Welfare Manual Sections: <u>4.12.1</u> for definition of kinship care <u>4.12.3</u> for kinship care policy <u>4.4 Attachment B</u> for guidelines on placement options <u>4.19.1.1</u> for Indian Child Welfare Act policy <u>4.19.2</u> for Native American Child Services information <u>4.19.3</u> for how to determine Indian child's status <u>Glossary</u> for definitions (Indian Child)</p> <p>Chart is available to show increase of relative placements since 8/04.</p>	<p>Preference for relative placements is addressed in the Juvenile Officer handbook. Relative placements were addressed at the Comprehensive Child Welfare Conference held in the spring, 2005.</p> <p>ICPC card and ICWA card is included in the <i>Resource Guide</i></p> <p>OSCA form for Order Following Protective Custody Hearing (JVO13) was revised 4/06, and distributed to all courts, to include all items in HB 1453. Also posted online in Circuit Clerk's handbook.</p>
Foster care placements	210.760	<p>Requires CD to notify parents when their child is placed in foster care and work with the parents or legal guardian for the child's return home.</p> <p>Prohibits the removal of a child from school for placement in foster care without a court order specifying the child may be removed from school.</p>	<p>CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement</u>.</p> <p>Current policy already existed in <u>section 4.3.1.3.a investigation and Protective Custody</u></p>	<p>Addressed at the Comprehensive Child Welfare Conference held in the Spring 2005.</p>

Family support team meetings	210.762	<p>Requires CD to arrange an FSTM prior to or within 24 hours following the protective custody hearing. CD shall arrange additional FSTMs prior to taking any action relating to the placement of a child except in emergency and then CD may make a temporary placement and shall schedule an FSTM within 72 hrs.</p> <p>Specifies who must be invited to FSTMs.</p> <p>If CD finds it is not in best interests of child to be placed with relatives, CD shall make specific findings detailing the reasons.</p> <p>Requires CD to use a form that must be signed by all parties at end of meeting. Dissenting views must be documented on form.</p> <p>Case manager is responsible for including such form with the case records of the child.</p>	<p>CD policy was updated with Memorandum <u>CD04-79</u>.</p> <p>See <u>Policy Impact Statement</u>.</p>	Not applicable.
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Home schooling	211.031	Specifies when the only basis for action is an alleged violation of the mandatory school attendance statute involving a child who alleges to be home schooled, the Juvenile Officer must contact the child's parents to verify the child is home schooled. Reported of violations of the mandatory school attendance law involving a child who is home schooled must be made to the prosecuting attorney in the county where the child resides.	<p>CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement</u>.</p> <p>See <u>Child Welfare Manual section 2.4.1</u> for investigation policy. See <u>Child Welfare Manual section 2.4.3.6</u> on referring cases that are home schooled to Juvenile office.</p>	Not applicable.
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Court proceeding time frames	211.032	If a child is in protective custody, hearings shall be held: (1) within 3 days of the date the juvenile is taken into protective custody; (2) an adjudication hearing within 60 days; and (3) a dispositional hearing within 90 days.	Not applicable.	<p>The time standard for the Protective Custody Hearing was addressed at the Comprehensive Child Welfare conference held in the spring, 2005. OSCA reports on the timeliness of all hearings quarterly to the Supreme Court and the Commission on Retirement, Removal and Discipline.</p> <ul style="list-style-type: none"> Time frames for the Protective Custody Hearing are addressed in the Court Clerk handbook and the Juvenile Officer handbook (see attached). In addition, there are forms for specific hearings which have been created for the Court Clerk handbook. The mandatory 72 hour hearing is also addressed in Court Operating Rule 23.01. Supreme Court Rule 111.13, 119.11. Rule 111.14 addresses procedures regarding the Protective Custody Hearing. Rule 119.01 addresses the schedule of hearings, including the 72 hour hearing (PC Hearing). OSCA form for Order Following Protective Custody Hearing (JVO13) was revised 4/06, and distributed to all courts, to include all items in HB 1453. Also posted online in Circuit Clerk's handbook. Quarterly Reports 6/30/07 Per COR 23.01, OSCA submits data regarding the timeliness of all hearings by quarter, per circuit, to the Supreme Court and Commission on Retirement, Removal and Discipline. Per COR 23.01, summary data is published in the FY Annual Report, and posted on the Supreme Court website. FY 2006 data is published. It is anticipated that the FY 07 Annual Report will be finalized and published late CY 2007 or early
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School attendance	211.032	If placement results in the child attending a different school the child's records shall be automatically transferred within 2 days of notification or upon request of the foster parent, GAL or CASA, and when possible, the child shall be allowed to continue attending the school he/she attended prior to being taken into CD custody. CD in consultation with DESE shall establish the necessary procedures to implement provisions.	CD policy was updated with Memorandums <u>CD04-79</u> and <u>CD06-72</u> . See <u>Child Welfare Manual Section 4.4.3</u> See policy on <u>Transportation Contract</u> .	The Juvenile Officer handbook outlines that a change in schools shall be considered by the court at the Protective Custody Hearing. OSCA does not collect data related to such. OSCA form for Order Following Protective Custody Hearing (JVO13) was revised 4/06, and distributed to all courts, to include all items in HB 1453. Also posted online in Circuit Clerk's handbook.
Reunification and placement restrictions	211.038	Children under jurisdiction of the juvenile court may not be reunited with a parent or placed in a home when the parent or any other person residing in the home has been convicted of specific felony offenses of chapters 566 or 568.	CD policy was updated with Memorandum <u>CD04-79</u> . See <u>Policy Impact Statement</u> .	Courts notified via legislative VTCs and child welfare trainings.

Custody of child	211.059	Requires the questioning of a child who is in custody because of CA/N cease if the child wishes to have a parent, guardian or attorney present during the questioning. Nothing shall prevent questioning necessary for the care, treatment or placement of a child.	CD policy was updated with Memorandum <u>CD04-79</u> . See <u>Policy Impact Statement</u> . See <u>Child Welfare Manual Section 7.18</u> regarding interviewing techniques. See <u>Child Welfare Manual section 2.4</u> for investigation policy.	Courts notified via legislative VTCs and child welfare trainings.
Notice to foster parents of hearings	211.171	Foster parents are to be provided with notice of all hearings.	Supervisor's responsibility (see "f") http://www.dss.mo.gov/cd/info/cwmanual/section1/ch1/sec1ch1sub3.htm Children's Service Worker responsibility (under 15th bullet) http://www.dss.mo.gov/cd/info/cwmanual/section1/ch1/sec1ch1sub5.htm which reads: Upon the notification of a court hearing, the Children's Service Worker shall mail a notice of this hearing to the foster/adoptive parent. This notice should be mailed no later than 14 days prior to the hearing. Once the notice has been mailed, the Children's Service Worker will follow-up with the foster, adoptive, relative parent reminding him/her of the hearing. The notice should be copied and placed in the legal section of the child's case record along with documentation of the follow-up call in the narrative.	With the passage of SB25 requiring foster parents to be informed no later than 2 weeks prior to all court hearings, information is now being entered into JIS where data could be collected in the future. The right of the foster parent to receive notification of all hearings is addressed in the Court Clerk handbook and the Juvenile Officer handbook (Section 111.14). Chief Justice Wolff sent a letter on 5/18/07 reminding judges, JOs, and family court administrators that care providers are to receive timely notice and an opportunity to be heard in hearings, per federal law (P.L. 109-288). 211.464 and 210.566 also pertain to this issue.

Background checks on CASA volunteers	211.160.5	Requires the GAL volunteer to be informed of and to attend any and all family support team meetings involving the child. Court has the authority to examine the general and criminal background of GALs, including the Family Care Safety Registry.	Not applicable.	Each CASA programs handles background checks differently. All programs comply with a national requirement to conduct background checks. Some do so through the court and some through local law enforcement. Volunteers must sign a release for a background check to be conducted.
CA/N court hearings and records are to be open to the public	211.319	By July 1, 2005, all juvenile court proceedings involving children aged 17 who are in need of care and treatment and termination of parental rights are open to the public..."Confidential files" is defined.	Not applicable.	Open hearings were discussed at the Comprehensive Child Welfare Conference held in Spring 2007, and is addressed in the Juvenile Officer handbook and per Supreme Court Rule 122.02.
School bus permits	302.272	Requires DSS to determine whether an applicant for a license to operate a school bus is listed in the child abuse/neglect registry. DSS or the highway patrol shall provide record of clearance for school bus drivers. DSS to determine if applicant is listed on the CA/N registry.	BSIU helps with these checks. When an individual makes an application to be a school bus driver, Dept of Revenue submits the information to CD to be run against the central registry, and reply is sent to Dept of Revenue as to whether or not the name was found on central registry.	Not applicable.

Minors	431.056	Changes language to clarify that a self-supporting minor is “without the physical or financial support of a parent”.	CD does not subscribe to this practice. Children are not released at the age of 16, and children can be retained in CD custody until the age of 21. Missouri Chafee policy specifies that children must have been in CD custody until the age of 17 ½ in order to access funding and receive services. In order for a child to benefit from this law, the child would not be in CD custody.	Not applicable.
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Adoptions/ putative fathers	453	<p>Changed to say only the man presumed to be the father has to file an action to establish paternity and has served a copy of the petition on the mother.</p> <p>Makes change that birth parent may provide names of all such persons</p> <p>Removes John Doe clause and states a search of the MO putative Father registry shall be conducted to determine if a man has filed or been registered with the registry. If such a man is discovered, service shall be carried out according to the provision of this section.</p> <p>Any man who has engaged in sexual intercourse with a woman is deemed to be on notice that a child may be conceived and as a result is entitled to notice of an adoption proceeding.</p> <p>Changes language to allow parent to temporarily place a child with another</p>	<p>CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement</u>.</p> <p>See Child Welfare Manual Sections: <u>4.30 Attachment A</u> <u>4.30 Attachment D</u> <u>4.11 Attachment C</u></p>	<p>The Family Court Committee worked with the Bureau of Vital Records on the Putative Father Registry and with the Family Support Division on the Federal Parent Locate Services and information was distributed to judges and juvenile officers. FPLS information can be found on OSCA intranet. Adoption issues related to the Putative Father were addressed at the Comprehensive Child Welfare Conference held in the Spring 2005.</p>
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Lead poisoning	701.336	DHSS and DSS to collaborate with non-profit organizations, HMOs, and the Missouri consolidated Healthcare plan to formulate an educational strategy to increase the # of children who are tested for lead poisoning under the Medicaid program, with a goal of having 75% of children who receive Medicaid tested. To be implemented over a 3 year period.	<p>CD policy was updated with Memorandum <u>CD04-79</u>. See <u>Policy Impact Statement</u>.</p> <p>See <u>Child Welfare Manual Section 4.4.2</u> regarding child returned to non-offending parent. See <u>Child Welfare Manual Section 4.4 Attachment B</u> for guidelines on placement.</p> <p>A report of Medicaid testing data from 2005 and 2006 is available regarding the lead poisoning requirement. According to the data, there were more Medicaid children tested in 2006. Some of the efforts that DHSS has implemented include:</p> <ol style="list-style-type: none"> 1) Providing twice yearly campaigns aimed at educating families and providers about the importance of testing. These campaigns are sent to the MCO's to use in their outreach efforts. 2) Providing MOHSIAC access to the MCO case managers to more effectively determine children tested as well as being able to document their case management activities. 3) Providing each plan, and Medicaid with testing numbers, including children specific data to determine which children are NOT getting tested. 	Not applicable.
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